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INTERINSTITUTIONAL COOPERATION IN THE FIELD OF ADMINISTRATION

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INTRODUCTION

1. The institutions of the Union constitute a complex political system that could not function at all without the competence and dedication of its officials, whose numbers are - by any measure - limited compared to the tasks which confront them. That such a multicultural and multilingual system functions - and in general functions better than could be expected - is an achievement which should be neither underestimated nor undermined.
2. Nevertheless, any administration has to respond to the challenges of the day, and this is as true of the different Union institutions as of a national administration. On foundations that are recognisably those of the Community of six, the institutions have to face the challenges of a Union soon to have 16 members.
3. Between the "micro" elements which are properly the responsibility of each institution internally and the "macro" elements concerning the distribution of tasks between institutions, there is one dimension which cannot be overlooked: cooperation between institutions in the field of administration.
4. The idea of reinforcing interinstitutional cooperation is not new. The institutions have each to perform certain administrative tasks which are similar or identical and which could be carried out on a joint basis. Interest in such an approach has varied, with one or other institution hesitating at any given time when evaluating the practical consequences.
5. During the period 1990-92, the Commission was at the centre of discussions concerning an "office" aimed at achieving economies of scale on certain activities (sickness, pensions, welfare expenditure) and greater professionalism in others (training and recruitment). An initial examination of the advantages and disadvantages was carried out, which indicated some advantages for the smaller institutions, but few, if any, for the larger ones. Various options were identified in broad terms.

These discussions were inconclusive, as severe doubts were expressed about the wisdom of creating - in the then current climate - an additional Community body, about the siting and staffing of any office, and about respecting the Commission's responsibility for 70% of the staff in all the institutions. Nevertheless, the Commission has continued to promote improvements in interinstitutional cooperation in individual cases, on an ad hoc basis.

6. Interinstitutional cooperation has thus continued to develop. In the resolution it passed concerning the 1994 budget (WYNN, A3 - 0280/93), the EP included the following paragraph:

"Reiterates its desire to see the institutions being more functional, with more intensive inter-institutional cooperation allowing more economic management of certain activities (sickness insurance fund, professional training, pensions, social activities, etc.), especially where the specific identity of the institutions is not affected; expects a report to be submitted to the budgetary authority with practical proposals for inter-institutional co-operation and a cost/benefit evaluation of each proposal in terms of funding and human resources".

7. In the 1994 budget, Parliament placed half of the amount for Commission recruitment in a reserve, pending further action in this area.

POSSIBLE APPROACHES

Developing interinstitutional cooperation on an ad hoc basis

8. There is particularly active interinstitutional cooperation at the moment in all the areas cited by Parliament, as evidenced by Annex 1. But there is still scope for further cooperation leading to economies of scale by making greater use of the resources of institutions other than the Commission.

Management of the sickness insurance fund, the pension sector and the joint welfare facilities, and interinstitutional recruitment operations are largely handled by the Commission, acting for and under the supervision of all the institutions.

The interinstitutional nature of these administrative areas could be highlighted in the budget by moving certain types of appropriation (sickness insurance fund, pensions) from the Commission section to new interinstitutional headings.

9. However, pooling appropriations for certain training and recruitment activities would probably be more problematic. Clearly defined interinstitutional procedures would have to be established beforehand to ensure that the Commission's specific needs were fully taken into account.

Parliament in fact makes this point in its resolution.

The departments concerned are, in any case, more than willing, via the Board of the Heads of Administration, to explore all the possibilities for developing more far-reaching forms of ad hoc cooperation geared to the needs of all the Community institutions.

10. The gradual, ad hoc approach to interinstitutional cooperation has proved effective. In the areas concerned, solutions devised without preconceptions about organizational structure and in the interests of rationality alone have demonstrated their worth. This is an initiative which is evolving all the time, with a potential for diversification as and when new areas of cooperation open up.

In almost all cases, cooperation has been initiated by the Commission and the mechanisms adopted draw heavily on its resources to serve the interests of all the institutions. This general approach deserves to be developed still further.

Is there a need for an interinstitutional administrative office?

11. The preliminaries cited above are as yet undecided. They are examined in greater detail in Annex 2, and we will come back to them when weighing up what advantages a new body would have to offer over an ad hoc approach to cooperation in the various sectors mentioned in the Parliament resolution.
12. The most important of these issues - and it is worth reiterating them - concern:

(a) The decision-making process

Firstly, the decision-making procedures within the governing body would have to reflect the special position of the Commission, which employs nearly 70% of Community staff, by requiring a qualified majority necessarily including its agreement or abstention.

Secondly, in cases where one institution would be particularly affected by a decision, its agreement would have to be required. There would also have to be a higher authority, consisting of presidents or members of each of the institutions to avoid autonomous decision-making at administrative level.

(b) The terms of reference

The question here is whether all the areas currently covered by ad hoc cooperation - still capable of being developed further - should be grouped under a single structure or whether the role of the office should be limited to one specific area of importance, where it could represent a significant improvement on the forms of cooperation which have existed hitherto.

Training is an area which might be particularly interesting to explore in this context.

A new approach to training

13. Discussions hitherto have concentrated on whether existing activities can be carried out more effectively or more efficiently. In the area of training, however, there is scope for undertaking activities on a scale not so far attempted. On the one hand this is an internal matter for each institution. On the other, moves in this direction could be undertaken by the institutions acting together.
14. The Union institutions have grown up over the last generation or two, drawing on the different administrative traditions of the Member States. This diversity is a source of richness within the institutions as it is without. However, in many cases it also makes them dependent on the individual official's sense of initiative and professional competence.

While the institutions' training budget is far from negligible, a substantial proportion is understandably devoted to language training and correspondingly less to management and other training. Moreover, training in the institutions remains essentially driven by the demand arising from individuals rather than an explicit effort by the different institutions both to train staff generally in certain skills and to complete the training of individuals so that they achieve their full potential.

15. Each Member State has, in its own way, sought to develop a distinctive culture in its national administration. It does so in two ways:

(a) a profound and continuous commitment to training, fully integrating this with an individual's career development. This ensures a coherent introduction to the rules and practices of the administration in question and a preparation for managerial responsibilities. A continuous commitment of this sort also reinforces the *esprit de corps*.

(b) a structure which automatically reflects this profound commitment and ensures a constant concern for management matters. A visible structure - "academy", "school", or "college" - can provide training which is devoted to the practical and direct needs of the relevant administration, but which is also part of a coherent overall approach. The accent on practicality and overall coherence ensures that the training is relevant, and that the parent administration has to consider how best to use its staff.

16. The effectiveness of the institutions' current training effort should not be underestimated, and the Commission's "training plans" by Directorate-General constitute a useful step in the direction of a more structured policy. Nevertheless, the scope for taking matters further and adopting a more explicit and active training policy should be carefully examined.

Nor should we underestimate the growing degree of cooperation between the institutions on the training front, involving activities which could be stepped up and rationalized. The examination referred to above would also show whether it was feasible for the institutions jointly to adopt a more ambitious approach.

17. This examination might usefully include a comparison with the various bodies created in the Member States to pursue the same objectives. These bodies take a variety of forms: some are organized to provide a lengthy, academic training for young graduates: others are service-providers to the various ministries of the relevant administration, funded essentially by charging them fees for the courses provided.

Each of these organizations has its own characteristics, which need to be carefully compared with the requirements of the institutions; initiatives in the direction of creating a separate training organization cannot be improvised. Nevertheless, the institutions have to reflect on how best to invest in their future functioning.

CONCLUSION

18. The Members of the Commission are accordingly requested to:
- (a) Note the existing degree of interinstitutional cooperation, and to instruct the departments of the Commission to pursue its extension on an ad hoc basis.
 - (b) Instruct DG IX - with regard notably to sickness, pensions, and welfare expenditure - to effect a detailed analysis of the costs, benefits and practical consequences of creating a formal interinstitutional administrative structure.

This analysis should be carried out in conjunction with the other institutions and should look not only at ways of bringing together existing activities but also - with the aid of appropriate expert advice - at how they operate in practice.

With a view to exploring other options, instruct DG IX to look into the possibility of having the sickness fund, pensions and welfare facilities managed externally.

- (c) Instruct DG IX to examine the institutions' training activities and the scope for extending them in a significant way.

The first step in any such examination must be an in-depth analysis of the role of training within the Commission itself, to ensure that it becomes a more integral part of each official's career and, above all, that it meets the needs of the institution.

Given the large number of recruitments that will follow enlargement, this examination should be carried out without delay.

- (d) Consult the staff representatives.

[REDACTED]

DEVELOPING INTERINSTITUTIONAL COOPERATION
ON AN AD HOC BASIS

Current situation and developments in the short term

1. Recruitment

- (a) The Commission is in favour of joint competitions and is regularly involved in organizing interinstitutional competitions, particularly with Parliament.

The amendment to the Staff Regulations setting up a common Joint Committee, approved by the Council on 21 December 1992, will make this easier.

- (b) Interinstitutional competitions are best suited to categories B, C and D. By contrast, the profiles sought by the Commission in the case of category A officials are not generally the same as those required by the other institutions (more policy formulation work at the Commission).

So far it has also been difficult to organize large interinstitutional competitions for A6/A7/A8 generalists because Parliament has always recruited on a language basis (competitions by language), something the Commission has systematically refused to do.

- (c) Joint organization is practicable and has been practised in the following instances:

- for competitions relating to specific needs common to the institutions involved (e.g. EUR/B/31 data processing and EUR/B/26 accounting, audit, public finance);
- when reciprocal information about recruitment requirements has been supplied sufficiently early on, given the time needed for the forward planning of competitions at the Commission; there are four recent examples:

- EUR/B/27: personnel management
- EUR/B/30: librarians
- EUR/D/24: drivers
- EUR/D/25: messengers

The following institutions were involved in these competitions along with the Commission: Parliament, the Court of Auditors, the Court of Justice, the Economic and Social Committee.

(d) Preparations for enlargement

Major advances in ad hoc interinstitutional cooperation are imminent in the administrative run-up to enlargement.

The administrations of several institutions, including the Commission, have already come out in favour of the organization of the recruitment of nationals of the applicant countries to the starting grades in all categories.

In the case of linguists, the competitions for whom will be organized by language and thus be open to all nationals of the enlarged Community, with the possibility of individual exemptions as regards nationality for the future Member States, there are plans to share out the workload between the Commission and Parliament: the competitions for Norwegian and Swedish-language translators will be organized by the Commission, and those for Finnish-language translators will be organized by Parliament.

For the recruitments to category C, joint competitions will be organized in Luxembourg and Brussels by the Economic and Social Committee and the Commission.

Proposals will be referred to the interinstitutional Joint Committee very shortly, marking its entry into operation. Its rules of procedure will be adopted at the same time.

2. Training

- (a) Action taken recently in Brussels at the initiative of the Commission, has led to improved cooperation on the training front, particularly since all Commission courses are now open to officials from the other institutions (e.g. induction courses, language and management courses).

The Commission also took the initiative of convening an interinstitutional meeting to look at further ways of improving cooperation in the training field in Brussels. This produced some positive results. For example, there are now plans for language and management courses to be organized jointly by the Council and the Economic and Social Committee.

- (b) The size of the Community departments in Luxembourg and the fact that they are all concentrated on the Kirchberg have worked very much in favour of interinstitutional cooperation with the result that it is more highly developed there than in Brussels.

A group responsible for interinstitutional cooperation in training matters was set up in Luxembourg in July 1991. It consists of representatives from the training departments of the institutions in Luxembourg, and its initial terms of reference were set out in a letter to members from the Chairman of the Board of Heads of Administration, dated 12 December 1991, naming to develop activities along the following lines:

- preparation of joint programmes
 - organization of joint courses (timetable, duration, division of costs among the institutions)
 - admission criteria for courses
 - selection of teachers
 - teachers' pay and conditions.
- (c) Looking ahead to enlargement, several institutions have come out in favour of organizing language training on a joint basis, particularly courses for language service staff.

3. Welfare policy

- (a) The following services run by the Welfare Policy Unit in Brussels operate on an interinstitutional basis:
- the crèche
 - the after-school child-minding centre
 - the open-air centre.

All three are run by Commission staff. An official from the Council has been seconded to the section administering the open-air centre. The Commission is responsible for the infrastructure and staff costs. The Council, the Economic and Social Committee and Parliament each pay a contribution to the Commission calculated according to a formula based on the number of staff in each institution.

The activities of the three sections are overseen by the Joint Management Committee of the Early Childhood Centre (COCEPE), an interinstitutional body. The decisions on the various rules and scales of charges are submitted to the Heads of Administration for approval.

The European Interinstitutional Centre

The Centre is located in Overijse. It is the property of the Commission and is run by Commission staff. Its activities are overseen by the Management Committee of the European Interinstitutional Centre, a joint interinstitutional body.

The institutions' contributions are calculated using the same formula as for the Early Childhood Centre.

A Committee on Interinstitutional Social Welfare Appropriations coordinates the interinstitutional appropriations of the two sectors referred to above.

Building loans

Loans for building, purchasing or converting apartments or houses are made on the basis of a long-standing scheme of limited scope which is common to all the institutions. The service is run by Commission staff and one official seconded from the Council. Applications are submitted to the Building Loans Committee, a joint body on which all the institutions are represented.

- (b) The Commission's Social Policy Unit in Luxembourg manages the following interinstitutional welfare activities in conjunction with Parliament:

Early Childhood Centre

The possibility of the institutions entrusting the running of the Early Childhood Centre to a single body in future was mentioned in the Commission communication of 1 September 1993 (SEC(93)1290). Until now there has been one Management Committee for the crèche and another for the child-minding centre and the supervised study and recreation centre, which come under the Committee on Social Welfare Activities. There is a good case for entrusting it with responsibility for other social welfare activities as well, in particular the management of the European Foyer and the sports complex.

At present neither the Foyer nor the sports complex has a proper management structure. The Foyer has been temporarily closed and will be reopening soon in a different building. The plans simply provide for monitoring by the interinstitutional Committee on Social Welfare Activities and by the Commission's Joint Management Committee on the Foyer, Restaurants and Collective Buying. The organization of the sports complex, on the other hand, is currently being examined by an interinstitutional task force within the Committee on Social Welfare Activities.

There are no firm plans for the future management of these two centres. However, Article 1 of the rules of procedure of the Committee on Social Welfare Activities lists among its powers that of setting up any committee or working party required for the management of the social welfare activities for which it is responsible.

The latest proposal is for the Early Childhood Centre, the European Foyer and the sports complex to be managed by an interinstitutional Joint Management Committee similar to the one for the Joint Sickness Insurance Scheme.

Such a Committee would be composed of 18 members: four representatives of the Commission, one representative from each of the other institutions, four Commission staff representatives and one staff representative for each of the other institutions. They would serve a two-year term and each member would appoint an alternate. The Committee would be empowered to draw up its rules of procedure setting out its decision-making arrangements and organizational structure.

The day-to-day administration of the Foyer, Early Childhood Centre and sports complex would be entrusted to one or to three members of staff who would take instructions from the Management Committee.

The Committee would be responsible for:

1. applying the rules relating to the three centres under its control;
 2. passing on any suggestions or recommendations to the institutions and the Committee on Social Welfare Activities and carrying out their instructions;
 3. monitoring the financial situation of the three centres;
 4. drawing up a detailed annual report on the financial situation and the social welfare activities that have taken place for transmission to the Committee on Social Welfare Activities, the institutions and the local Staff Committee;
 5. proposing the level of contributions to be paid by those using the facilities in question to the Committee on Social Welfare Activities and the institutions;
 6. giving precise instructions on day-to-day management to those in charge and making recommendations on any issues that they refer to it.
- (c) The Commission contributes its share to financing the Committee on Social Welfare Activities (31.32% in 1993), which is run on an interinstitutional basis and chaired by a representative of the Court of Justice, and is thereby involved in managing the interinstitutional activities covered by budget Articles A182 and A183

The Commission's Welfare Policy Unit, under the authority of the interinstitutional Committee on Social Welfare Activities, is responsible for various matters such as direct organization of legal assistance (for all the institutions).

4. Sickness and accident insurance

This is one of the most successful examples of interinstitutional cooperation.

The Joint Sickness Insurance Scheme covers the officials of all the institutions, serving and retired alike. Day-to-day administration is the responsibility of the Commission's Unit IX.B.5, the scheme's central office, which keeps all the financial records and deals with all the practical problems raised by the claims offices, which are also attached to IX.B.5.

Most of the people carrying out these tasks are Commission staff, but some of them have been seconded from the other institutions.

The work of Unit IX.B.5 is supervised by the Sickness Insurance Management Committee, which is a joint body. It meets nine or ten times a year under a chairman elected from its membership. The current chairman is a representative of Parliament.

The Committee's role is essentially to ensure that the rules are applied consistently and correctly and to discuss improvements to be made to the system in the short and medium term, funds permitting.

The rules of the Sickness Insurance Scheme are agreed jointly by the institutions. Amendments proposed by the Management Committee are discussed by the Staff Regulations Committee and the Working Party on the Staff Regulations before they can be adopted.

5. Pensions

- (a) Following an initiative by DG IX, the Heads of Administration have decided to work together to provide social welfare assistance to retired officials; a budget heading with an appropriation of ECU 250 000 has been created for this purpose.

The Commission's Unit IX.B.6 (Pensions and Relations with Former Staff) consists of three sections, in each of which the situation as regards contacts with the other institutions is slightly different.

They are:

- pensions
- transfer of pension rights
- miscellaneous allowances.

- (b) Pensions for former staff of all the institutions

In this area a distinction must be made between determining entitlements and updating dossiers on the one hand and making pension payments and designing and managing the relevant computer programs on the other.

The first is dealt with by the institution to which the retired official belonged, while payment for all the 6.600 or so persons in receipt of a pension is the responsibility of the Commission.

In the case of the other pension-type allowances (Article 50, former Members and those taking early retirement under the make-way arrangements), each institution is entirely responsible for its own former Members or officials.

Consistency in the interpretation of the rules for all the institutions is assured by the Board of Heads of Administration and its preparatory committee or by ad hoc meetings of the various parties responsible.

(c) Transfer of pension rights

The transfer agreements are negotiated by the Commission, which has a negotiating mandate from the other institutions. The Commission also drafts the amendments to the Staff Regulations, via the normal procedure, and any amendments to the general implementing provisions. Monitoring within the Commission is the responsibility of the group of Directors involved in transfers (the competent Directors of Administration, the Legal Service, Financial Control and the Directorate-General of Budgets). Agreements have recently been concluded with Belgium, the Netherlands, Germany and France.

Each institution is responsible for administering its own dossiers. Meetings to exchange information are organized regularly and representatives of the trade unions and staff associations are invited to attend.

(d) Miscellaneous allowances

The main miscellaneous allowances are the severance grant and unemployment benefit for former members of the temporary staff. Once again, it is the Commission which is responsible for payments from and management of the scheme set up for former members of the temporary staff on behalf of all the institutions.

6. European Schools

By memorandum from its representative on the Board of Governors to the Chairman of the Board of Heads of Administration, the Commission took the initiative of including the European Schools in the terms of reference of the interinstitutional working party on social welfare.

As a result, it will be possible for the positions adopted by the Commission representing the Community as one of the contracting parties to the Convention defining the Statute of the European Schools to draw on a permanent exchange of information with the other institutions and for the other institutions to be involved as and when required.

[REDACTED]

IS THERE A NEED FOR AN INTERINSTITUTIONAL ADMINISTRATIVE OFFICE?

I. Aim of such an office

The idea of an interinstitutional administrative office capable of achieving closer cooperation between the institutions in certain areas of common interest where there are clear advantages to be derived from joint administration has obvious appeal.

It is certainly true that in several areas of administrative activity the institutions have identical responsibilities and apply the same basic rules. And in others they are to a certain extent pursuing similar objectives.

However, it has still to be convincingly demonstrated that joint action in these areas through an interinstitutional administrative office could yield economies of scale and improve efficiency.

In order to assess the likelihood of such an office fulfilling the expectations which were its *raison d'être*, the institutions would have to reach agreement on a number of issues, as yet undecided, regarding the nature of such an office, which would determine the creation process.

II. The creation of such an office

(a) Common definition of a *modus operandi*

Joint action could take many forms, ranging from varying degrees of cooperation within the present framework to varying degrees of delegation to an office.

Nor would a separate body necessarily cover the whole range of activities for which it had been systematically delegated authority by the institutions. On the contrary, it might have to undertake a number of main activities for which it would have full responsibility and offer a range of supplementary services which the institutions could make use of - collectively or individually - depending on their practical requirements at any given time.

(b) Agreement on a decision-making process

The decision-making procedures of such an office would have to reflect the special position of the Commission, which employs nearly 70% of Community staff by requiring a qualified majority within the governing body including the agreement or abstention of the Commission.

Moreover, where one institution would clearly be particularly affected by the decision under consideration, its agreement (or abstention) would have to be required. And there would obviously have to be a higher authority consisting of presidents or members of each of the institutions to avoid autonomous decision-making at administrative level.

(c) Terms of reference

The following have often been cited as areas for which responsibility could be delegated in part or in whole to an interinstitutional administrative office:

- the Joint Sickness Insurance Scheme
- the pension scheme
- welfare
- non-specialist training
- certain recruitment operations.

To these should be added Community representation under the Convention defining the Statute of the European Schools.¹

However, in areas which were jointly administered, exceptions would have to be made for tasks specific to a single institution (e.g. specific training or a particular competition). And the institutions would also retain responsibility for career management, e.g. selection of shortlisted candidates for appointment, designation of staff for training, retirement decisions.

Prescriptive powers in administrative areas where authority had been delegated to an office, and representing the Community to the outside world, would also remain within the jurisdiction of the Commission as provided by the Treaties.

The implications of such a share-out of tasks between the institutions and an interinstitutional office would have to be assessed case by case in order to compare the costs and benefits and the advantages and disadvantages of delegation.

However, certain remarks may already be made at this stage.

Joint Sickness Insurance Scheme

In order to make the best possible use of resources, the interinstitutional office would have to have its own staff drawn from all the institutions. This would put an end to the current difficulties associated with the various arrangements for secondment.

Pension scheme

The decision to retire an official would continue to be a matter for the institution for which he/she works. This being the case, would an interinstitutional office be properly qualified to draw up the initial opinion determining entitlements?

¹ Given their specific characteristics the position of the only existing interinstitutional office, i.e. the Publications Office, or the SCIC vis-à-vis an interinstitutional administrative office would have to be examined separately.

Delegation of the management of individual cases would itself have certain advantages.

Welfare infrastructure

There is already close cooperation at interinstitutional level when it comes to administering the welfare infrastructure. We now have to ascertain under what conditions concentrating responsibility in this area would make it possible to improve on the current facilities and eliminate differences in treatment between places of work and between the main institutions.

Non-specialist training

Training is recognized as an essential element in staff policy, serving the interests of officials and institutions alike, designed as it is to continually adapt individual profiles to the needs of a Community administration whose objectives and working methods are constantly evolving.

It is also an important part of career policy, a prerequisite for job mobility, and a source of staff motivation. This is particularly true in the case of the Commission and its staff, whose areas of activity are perpetually changing in a way that is typical of a target-oriented administration (as opposed to administrations whose sole role is to "service" an institution in the broad sense of the term).

The Commission has to satisfy numerous specific training needs which do not lend themselves to administration at interinstitutional level. However, it remains to be seen to what extent certain non-specialist training courses, such as language and computing courses, might benefit from centralized organization.

Certain recruitment operations

The specific role of each institution in the Community process will continue to impose limits on the nature and scale of interinstitutional cooperation in the field of recruitment.

Where the recruitment objectives of at least two institutions are found to converge, there would be no problem entrusting the organization of the external competitions involved to an interinstitutional administrative office. Such convergence is already found in a significant proportion of competitions in categories B, C and D, which are already organized on an interinstitutional basis. The role of an interinstitutional office in this area would be that of a provider of services.

(d) Cost-effectiveness

The establishment of an interinstitutional administrative office can be justified only if it is likely to offer an improvement on the current situation in terms of cost and effectiveness.

This must be looked at carefully before any definitive action is taken and the findings will have to be approved by all the institutions.

One of the things that must be worked out is what the office will need in the way of staff if it is to be more cost-effective than mere intensification of interinstitutional cooperation in the material areas.

(e) **Interinstitutional agreement (all institutions)**

The creation of an interinstitutional office would have to be the subject of an agreement between all the Community institutions.

(f) **Amendment of the Financial Regulation**

The Financial Regulation would have to be amended and a new section inserted in the budget to cover the office's staff and operating expenditure as well as the expenditure connected with the joint management of the administrative areas covered by the interinstitutional agreement.

The definition of this budget section would therefore have to specify the areas of competence for which the funds were allocated.

(g) **Location**

The decision on the location of the office would have to bear in mind that it will need staff close to the people it is serving, a requirement that would have to be reconciled with the need for equal treatment for all the institutions.