

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.2.1980.

Report

of the Group of Members of the Commission
set up to study the implementation
of Part Three of the Spierenburg Report.

submitted to the Commission on 5 March 1980.

INTRODUCTION

1. At its meeting on 7 October 1979 at Villers-le-Temple, the Commission requested a group of Members of the Commission to study the implementation of Part Three of the Spierenburg Report, to produce a programme and a timetable of measures to be taken and to prepare the decisions or proposals for adoption by the Commission. It was decided that the group would also look at problems affecting staff categories not specifically covered by the Spierenburg recommendations.

We were assisted in our work by Mr Emile Noël, Mr Pierre Baichère and Mr Jean-Pierre Delahousse, whom we should like to thank for their help. Mr Simon Nuttall was Secretary of the group and prepared our papers in a most efficient manner. We asked Mr Lambert and Mr Verheyden to study closely the structure of departments and the reforms which could be made; they carried out their task with remarkable precision and speed.

2. We submit for the approval of the Commission a report made up of a memorandum which gives an analysis of our proposals and the arguments for them, and annexes which contain either internal decisions applicable on their adoption by the Commission or Commission proposals to be sent to the other Institutions.

3. The memorandum itself is divided into two parts. The first concerns the efficiency of departments and the way in which they are organized. On this point we have elaborated on the analysis in the Spierenburg Report. The second concerns staff policy, in particular as regards generalist staff in Category A. Mr Tugendhat will make further proposals later in the year as regards the other categories and services, on the basis that the general principles applied to Category A will also be applied, mutatis mutandis, to Categories B, C and D and the language and scientific services.

4. We propose that the Commission should at its meeting on 5 March give our report a first reading, approve its main lines and on certain points take some initial decisions. Consultation will immediately be set in train with the staff for the measures which are subject to that procedure. At the end of the consultation procedure the Commission could adopt the report and its conclusions on a second reading, it being understood that the statutory consultation procedures regarding specific proposals for which such procedures are foreseen (for example, on proposals to amend the Staff Regulations) can continue.

SEC(80)270/2 and -/4

I. Efficient operation of the organization

5. The Commission administration is not as efficient as the standard of its departments and officials would lead one to expect. This is because of organizational weaknesses owing to the fact that the Commission's tasks have developed faster than its structures and working methods.

The quality of the organization depends to a large extent on the way in which the Commission exercises its authority over departments and on the rôle of the Cabinets. This is a point which should be looked at more closely in connection with Part Two of the Spierenburg Report.

6. Our proposals to improve coordination and work planning should prevent Cabinets from exceeding their competence, as they do at present, in order to remedy the lack of prior coordination among departments.

The Cabinets will thus be in a better position to play their dual rôle: help the Members of the Commission to exercise their individual responsibilities and make sure that Commission decisions are really collegiate by proposing general policies. The execution of these policies is the responsibility of each Member of the Commission.

The number of Cabinet staff should therefore be kept strictly within its present limits (1), which make it possible for them to play their full rôle and ensure that they will not step outside it.

7. We now make some proposals to improve coordination and strengthen work-planning, particularly as regards budgetary procedure.

(1) cf Commission decision of 10 January 1973, doc. COM(73)Min 235, Part 2, item X.

A. Coordination

8. The problem

As time has gone on problems and objectives have tended to become too compartmentalised and conflicting responsibilities have arisen. Procedures have been introduced under the guise of structures for coordination to bring these scattered elements together again, but their effect is often to institutionalise duplicated effort, to increase within departments the number of services with similar functions and to slow down and denature work. The proliferation of standing working parties, task-forces or general affairs services; the increase in the number of horizontal units and departments responsible for the same question are all examples of this tendency.

It is the duty of Directors General to forestall disagreement over where responsibility lies, to come to prior agreement between Directorates General on how to apportion work and to submit any remaining matters of disagreement for a rapid decision by the Commissioners concerned or, if necessary, by the Commission.

Specific proposals follow, concerning first the structure, then the working methods of departments.

9. Proposals: reform of the structure of departments

The improvement of the structure of departments is one of the conditions for better coordination of work both inside a department and among different Directorates General. We make the following proposals:

(a) On the lines recommended by the Spierenburg Report (paras. 66 et seq.), and as we said at the 532nd meeting of the Commission, we asked Mr Lambert and Mr Verheyden to look at the structure of departments with a view to identifying the cases in which a restructuring of the basic units, and in particular the merging of units, would result in a more efficient organisation of the work. The conclusions of this preliminary enquiry were then examined in a series of conversations which took place under our direct responsibility with the Directors General. The recommendations we make for the restructuring of the different departments in the light of this examination are being sent separately to each of our colleagues for the departments for which they are responsible.

(b) The reasoning which led us to these recommendations can be summarized as follows.

(i) The aim of the operation is to improve the structure of the organigramme by grouping activities in larger administrative units where they can be carried out more efficiently and where a better use can be made of the staff available.

In doing this we have taken into account the considerations which were set out in the Spierenburg Report, i.e.:

- As a general rule divisions should not be set up with only one or two Category A officials. Of course, depending on the type of its work a division can legitimately include a considerable number of B and C officials.
- In many cases, divisions are too small to allow effective staff management. The staff complement of a division should be such that it can be coordinated by a Head who is able to organise the work for those under him and report back to the level above.

(ii) At the same time, the operation should make it possible to take the first step towards a policy of separation of grade and function:

- We put forward in paragraph 57 specific proposals, which will in particular make it possible to put A3 officials, especially those with conceptual duties, into a division under the authority of a Head of Division. It will indeed still be necessary to promote to A3 officials who deserve such promotion, without at the same time being obliged to alter the administrative structure which has been decided on as being the most appropriate.

- In other cases, A3 officials affected by the operation can be given posts of adviser. Nor do we exclude the possibility of changes in assignment (in another Directorate General) which would make it possible to use more effectively the capacities and the experience of the officials in question.

Similarly, A4/A5 officials, who would no longer necessarily be Heads of Specialised Service, could be appointed Heads of Sector, a denomination which already exists in the Table of Descriptions of Basic Posts.

(c) In the light of the above, we make the following proposals to the Commission;

(i) The Commission adopts the figure of 50 units as the minimum general objective for the reduction in the number of basic units. This is made up of approximately 40% divisions and 60% specialised services.

(ii) On the basis of the indications which have been sent to them individually, Members of the Commission are invited to restructure the departments for which they are responsible. The Member of the Commission responsible for Personnel and Administration, in agreement with the Member of the Commission responsible for the Sector concerned, will prepare and submit to the Commission for decision, before 1 May 1980, proposals to restructure departments on the lines set out above.

(iii) If a Member of the Commission feels unable to follow our recommendations, the President, helped by the Group and after discussion with the Commissioner concerned, proposes a solution to the Commission.

(d) In addition, our examination of the structure of departments has led to the following reflections:

(i) Information activities should as far as possible be centralised in the Spokesman's Group/Directorate General for Information;

(ii) The Commission's interpretation service serves several Institutions. It would seem appropriate to look for ways in which the other Institutions concerned could be more closely associated with the management of the service;

(iii) We think that most standing Interdepartmental Working Parties no longer serve a useful purpose and could be abolished. The different horizontal units which have been set up in some departments must also be rationalized. We have asked Mr Lambert and Mr Verheyden to look at these questions. On the basis of their report, we shall make proposals to the Commission in April.

10. Proposals: working methods

Present working methods are often an obstacle to good coordination. The desire to uphold prerogatives frequently appears to be more important than the will to cooperate. The tendency to monopolize information and take initiatives prevails over respect for the collegiate nature of the Commission and the complementarity of departments. This obliges the Commission in the final resort either to agree to more or less satisfactory compromises or to be excluded from initiatives for which it is nevertheless held responsible. At the same time, it seems that the final result is too often thought to have been achieved once a memorandum has been adopted by the Commission and sent to the other Institutions. In fact, the follow-up is often as important as the preparation of the proposal. On these two questions we make the following proposals:

(a) Internal Coordination

(i) The rules about written procedures and the technical nature of their content should be strictly respected. Written procedures with some political implications should be brought up at the weekly meeting of Chefs de Cabinet either by the cabinet responsible or by the Secretariat General. Accelerated written procedures should be kept to a minimum.

(ii) In order to be able to identify officials who have agreed to a paper on behalf of their department, a system of "fiches" like that already in operation for written procedures and delegation of powers procedures should be introduced for papers to be put on the Commission agenda. This would enable Members of the Commission to obtain full information from the Secretariat General about the preparation of the paper and how the departments concerned were consulted. In addition, papers should show any consultations that took place with outside bodies in the preparation of the proposal.

(iii) When a working party is instructed by the Commission or by a group of Commissioners to prepare a file or a position, the Chairman of the working party must make a progress report from time to time to the Commissioners concerned, explaining the main difficulties and the points of substance on which the departments concerned do not agree.

(b) Coordination with the work of other Institutions

(i) Closer attention should be paid to planning and progress of work in the Council. The meeting between the Commission and the incoming President of the Council, at which an informal paper is discussed setting out priorities for the next six months, is the starting point for this.

In future, the results of this meeting should be put to better use:

- Directorates General should be instructed to decide, together with the Secretariat General and on the basis of what was decided at the meeting, the best way to organize the work of working parties to ensure that the Presidency's work programme will be carried out. This is done with the Office of the Permanent Representative holding the presidency. This procedure will put on a regular basis the practice, already current with some working parties, of drawing up forward work programmes.

- The Commission should review progress in the working parties half-way through each presidency, i.e. at the end of March and in mid-October. This review, based on a report by the Secretariat General, is designed to identify delays or omissions in the execution of the work programmes, to analyse the difficulties which are holding up progress and to suggest what decisions the Commission might take or proposals it might make.

(ii) The rules regarding the use of working papers from Commission departments and their transmission to the Council (any paper with implications for policy to be approved by the Commission; working papers to support and make clearer a proposal already made, and not to make new proposals or alter existing ones) should be strictly respected. The Secretariat General should be instructed by the Commission to refuse to send to the Council any paper which does not fulfil the criteria.

(iii) It will be necessary to make suitable arrangements later to coordinate more satisfactorily the work of the Commission and that of Committees of the European Parliament. More definite proposals cannot however be made until the procedures and working methods of the Committees in the new Parliament are finally fixed.

B. Planning

11. Departments can only operate satisfactorily when the files they deal with are important and have a clear deadline, precise objectives and the possibility of a decision. Otherwise, there is a danger that proposals and memoranda will go right up to the Commission although their priority and importance are far from being clear. They then get bogged down in successive postponements or disguised rejection, which serve the interest of neither officials nor the college. Departments can only operate satisfactorily if the Commission gives them the necessary direction and guidance. At the

same time, care must be taken that better work planning does not affect the quality of conceptual work and the Commission's capacity for initiative. It must therefore be sufficiently flexible to allow the Commission to carry out the new tasks it is given.

As before, the question of planning depends to a considerable extent on what the Commission decides as regards Part Two of the Spierenburg Report.

The following proposals, while within the mandate we were given, take account of the above considerations.

(a) Priorities

12. The proper functioning of the Commission depends on more effective planning. This entails that the college must clearly lay down what its priorities are. At present, the machinery for this is lacking. Individual proposals are discussed on their merits, without reference to a policy framework. The supplementary memorandum is the only instrument by which the college can expound its policy as a whole, and this, by aspiring to comprehensiveness, inevitably fails to set out priorities.

13. The Commission should therefore look once a year at the range of its likely forthcoming activities and state clearly what it considers to be of prime importance. We propose that the President should prepare in the early autumn each year a short paper on the basis of which the Commission could discuss what are likely to be its main activities in the coming year, adopt before the end of the year a list of priorities in an outline programme and define the means and procedures of giving them effect.

14. This paper will be of limited value if it is just one more note put up to the Commission. It will only make a new contribution if it is selective, constitutes a basic commitment for all Commissioners and enables Directorates General to draw up objectives based on the priorities which have been clearly set out at the highest level. In this way officials at all levels will be fully informed of the Commission's objectives and therefore be more motivated in their work. The Secretary General should be requested to give informally to the staff representatives all the necessary information.

15. The outline programme adopted by the Commission would then serve as the basis for Directorates General to draw up their own timetable and priority objectives for the coming year. The conformity of these with the Commission's priorities should be checked when the supplementary memorandum is being drawn up. Progress in carrying them out should be checked in the course of the year against the Commission's outline programme by a small group chaired by the Secretary General and composed of a representative of the President and two Directors General in rotation. This group, which will be assisted by the Management and Organization Division (cf. § 19), will make an annual report to the Commission. It may also submit specific observations and proposals to the Member of the Commission responsible for the sector concerned and to the President. A draft decision setting up this group is at Annex I. Directors General will inform their staff about the priority objectives and timetable which have been drawn up.

The implications of this proposal for individual procedures are discussed more fully below.

(b) Budgetary procedure

16. The present budgetary procedure should be strengthened by including provisions for a clear definition in advance by the Commission of its priorities and a procedure for effective arbitration. Proposals to achieve this follow.

(i) At the beginning of the budgetary procedure, the Budget Commissioner will give the Commission his forecast of income and unavoidable expenditure entailed by existing policies and decisions already taken. There is a particularly pressing need for a forecast of this kind in present circumstances, as the ceiling of own resources is approached.

(ii) The main fields of expenditure will then be fixed on the basis of the policy priorities the Commission has adopted by the procedure described in § 13. The first guidelines (which could be adjusted before the Commission finally adopts the preliminary draft budget in May) will be adopted by the Commission in the New Year.

(iii) The paper on the assessment of budgetary problems will continue to be sent in March to the Joint Council of Foreign and Finance Ministers and to Parliament. This paper should be as concise and simple as possible. The Commission will decide whether to include costed details in it, and if so, of what kind, when it adopts the paper. When the Commission draws up the preliminary draft budget following the usual timetable, it may take into account any remarks made by the other Institutions as a result of their discussion of the paper.

(iv) The main fields of expenditure are broken down into detailed appropriations according to the usual procedure. The preliminary draft budget is and must remain a policy instrument and not an actuarial exercise, but care must be taken that appropriations are only written in if it seems likely that they can be actually spent.

(v) The above principles apply to new activities proposed in the course of the year. The Budget Commissioner, together with the President, will inform the Commission whether they are compatible with the Commission's budgetary priorities.

(vi) The explanatory memorandum which accompanies the preliminary draft budget sets out the Commission's priorities and objectives. It should not therefore be seen as a compilation of items according to the particular interests of the various Directorates General.

(vii) The President and the Budget Commissioner must coordinate the college's presentation of the preliminary draft budget and its defence of it. Uncoordinated initiatives, especially when they are only concerned with one section of the preliminary draft budget, are likely to be counterproductive.

(c) Requirements for staff

17. Requests for staff, the treatment of which is part of the budgetary procedure, will also be handled on the basis of policy priorities laid down by the Commission and of the first budgetary guidelines. The proposals which follow concern the procedure for 1980, when the special circumstances of the Greek entry in 1981 have to be taken into account. The principles on which the proposals are based remain valid for the future.

(i) The Commission fixes as soon as possible approximate figures for the number of Greek officials to be recruited. The extent to which the posts needed can be made available through early departure and how many additional posts will have to be authorized by the budgetary authority will be indicated. In making their requests for Greek staff, Directorates General must show that the jobs they wish them to do are ones for which familiarity with the language, legislation and technical problems of Greece is required. Having carefully assessed these requests (with the assistance of the Management and Organization Division), the Director General for Personnel and Administration makes a report to his Commissioner, who then distributes the posts among departments.

(ii) Departments are instructed to cover any new activities (except for a few activities which have been given specific priority by the Commission) by redeploying existing staff. If this is not possible, the Management and Organization Division will make a special study to determine whether existing staff are correctly deployed in relation to priorities fixed in the Commission's outline programme and the Directorate General's priority objectives. If as a result of this study it is clear that the activity for which additional staff are requested is entitled to priority and that the staff cannot be provided either by transferring staff from other departments or by other means which do not involve creating extra posts, like using outside experts, the Management and Organization Division will give a favourable opinion.

For 1980, the operations in (i) and (ii) above should be carried out by April. Beginning in 1981, the operation in (ii) should be carried out between January and February/March.

(iii) The myth that Directorates General have a proprietary interest in their posts should finally be exploded. The allotment of budgetary posts is a matter for the Commission, which distributes them among the different units in accordance with the interest of the service and the development of the priorities it has fixed. The overall control given to the Commission's central structure and arbitration by that structure which goes beyond the mere distribution of new posts must therefore be reinforced. On the other hand Directorates General must be able to manage the staff they are given more flexibly and more independently. Proposals are at § 21.

(iv) For new activities of a technical nature the Commission proposal to the Council should set out the funds and the specialised staff required for the programme, as is already done for research programmes.

(v) The Presidency of the Council and the European Parliament should each be asked to appoint a Rapporteur for the staff and operational part of the Budget. These Rapporteurs would in a personal capacity be fully informed by the Budget Commissioner and the Director General for Personnel and Administration of the reasons for the requests for additional staff made by the Commission.

(d) Setting up of a Management and Organization Division and extension of its mandate

18. The Management and Organization Service which exists in DG IX is at present responsible for checking the operation of Directorates General. It makes reports on this which are submitted jointly with the Directorate General concerned. This function must continue and be expanded on the lines explained below. In order to enable the unit to carry out its wider duties with authority, we propose that it should be upgraded to a Division.

19. The new Division must be able to assess requests for additional staff made while the preliminary draft budget is being prepared.(cf. para.17(ii)). It must also report on the organization and progress of work in departments as regards their conformity with the priorities set out in the Commission's outline programme and the priority objectives of departments (§ 15). It will be assisted in this latter task by people from outside the Division, including at least one external personality with thorough-going experience of Commission departments and by a representative of the Secretariat General who takes part in all the work of the Division. On this last point, the Division reports to the group referred to in §15. This group must make sure that the conclusions arrived at are followed up, if necessary referring the main difficulties to the Commission.

20. The Management and Organization Division must be in a position to carry out these new duties by the beginning of the second quarter of 1980. A draft decision is at Annex II.

(e) Adaptation of the structure of departments

21. Changes in the organigramme are at present decided by the Commission at one of its meetings. But the assessment of the deployment of staff in relation to priorities will no doubt necessitate more frequent changes in the organigramme. Moreover, as we said earlier, the different Directorates General must be able to manage the staff they are given with more flexibility and independence. To make this easier, we propose that power should be delegated to the Member of the Commission responsible for Personnel and Administration, in agreement with the Member responsible for the sector concerned, to decide on changes in the organigramme and subsequent postings for Category A staff, provided that the change does not effect more than one Directorate General or assimilated service and that the total number of management staff is not altered. As is customary with delegation of powers decisions, the Member to whom powers are delegated is obliged to submit to the Commission at one of its meetings any question which goes beyond normal management. A draft decision is attached at Annex IIIA. The decision which fixes the level at which the Appointing Authority exercises its powers must be amended to keep it in conformity with the delegation of powers decision (Annex IIIB).

(f) Central Staff Register

22. The work of the Management and Organization Division, as well as that of departments in search of staff, would be made easier if there were available a central staff register as recommended in the Spierenburg Report. Such a register would by the use of computers allow the storage and retrieval of the following information about each official:

- studies, training and qualifications
- professional experience before and after coming to the Commission
- current duties
- reports.

This information will be taken solely from the official's personal file. Access to the information will be governed by the same rules as apply to personal files.

C. MANAGEMENT

23. The Spierenburg Report emphasised the importance of making better use of the management qualities of staff and of strengthening management in general. Improvement in management can only be gradual and depends to a large extent on the quality of managerial staff, on how efficiently they manage their units and on the working relationships they establish. There follow some specific proposals, in the form of instructions to Directors General.

- (a) Officials should be given clearly defined tasks and be made responsible for a specific sector;
- (b) Directors General, Directors and Heads of Division must inform their staff of the general framework in which they carry out their duties;
- (c) notes drafted by officials with conceptional duties for the information of Commissioners or senior officials should normally be signed by the official concerned before going up through the hierarchy in the normal way, when additional comments may be added;
- (d) notes which prepare the way for a decision or which make a proposal must include a full analysis of the difficulties inherent in the question, set out the different possibilities and formulate proposals, in order that the Commissioners political choice may be based on a clear analysis;
- (e) officials who represent the Commission in negotiations, whether with the other Institutions or with third parties, should be given precise directives for negotiation;
- (f) our proposals as regards management training are at paragraph 38.

24. Departments must be encouraged to be more selective in authorizing duty trips. We put forward proposals which effectively block about 25%, in real terms, of the appropriations for duty trips and which set out the conditions under which they can be unblocked (Annex IV). This decision is valid for 1980. In addition DG IX is instructed to report as soon as possible on the consumption by departments of duty trip appropriations, in order that suitable arrangements can be made for 1981.

Mr Tugendhat will make by August 1980 proposals for applying this decision, especially as regards checking on duty trips.

25. Some cases of absenteeism are more medical questions than a matter for the rules of discipline. The Medical Service should be instructed to make full use of the provisions of the Staff Regulations concerning medical control. In addition, we propose that the present Regulations for the application of the invalidity regime should be amended (Annex V) so that the Appointing Authority can bring before the Invalidity Committee at any moment (and not just after a period of 365 days) the case of an official on sick leave when permanent invalidity may be deduced from the circumstances of the case.

In addition, the suggestion that a social medicine service should be set up should be further studied. Mr Tugendhat will make a proposal to the Commission before 1 October 1980.

26. More generally, good management goes hand in hand with good circulation of information. The quality and quantity of information given by the Commission to departments are good; it is up to Directors General personally to make sure that this information is circulated in departments to desk officers. One way in which the existing barriers to the circulation of information can be removed is for Directors General to organise regular information meetings with their Directors and other staff.

Discipline

27. Discipline is an essential part of good management. Officials' duties in this respect should be recalled.

The aim is to make sure that certain rules of behaviour, whether they are written (strict respect of office hours, requests for leave) or whether they are unwritten, which are essential for a department to operate effectively, are respected. This is one of the conditions for improved departmental efficiency.

In this sense, discipline depends primarily on Directors General, Directors and Heads of Division, who clearly have to set an example and bring about good working relationships. The lack of discipline on the part of certain officials is in fact very often the result of their being insufficiently informed of what is expected of them, of lack of job satisfaction or of being obliged to do work which has no clear connection with the Commission's priorities. It very often therefore reflects failings on the part of the hierarchy as much as ill-will on the part of the official.

We intend to discuss this question with the Directors General, who should say how they propose to apply the principles we have set out above and to report on their application.

II. Staff Policy

28. Staff policy is the second main topic of this report. Here also, we confirm that the assessment made of this question in the Spierenburg Report is correct. The development of the staff's age profile and the small number of new posts which the Budgetary Authority gives to the Commission each year reduce possibilities for promotion; the feeling has grown up among the staff that many appointments, from inside and from outside, have been due to nationality factors, time spent in a Cabinet, string-pulling or membership of private clans - in a word, favouritism. The long-winded procedures of the House, administrative rigidity, vague criticisms that the Commission has no staff policy and the poor organisation of some departments all generate frustration and damp considerably interest in work.

29. Of course, the Commission has to operate under certain constraints. The fact that positions of responsibility are occupied by nationals of all Member States is an enriching factor for the Commission; it is therefore necessary to make sure that the presence of officials of different nationalities

does not fall below a threshold below which a balance would no longer exist. This consideration, however, cannot justify the imposition of quotas nor a policy based on totting up the number of staff in terms of their nationality. Nor can it obscure the difficulties caused by traditional differences in working methods, nor the shocks caused by the enlargement of the Community. Our aim has been to improve the present situation in such a way that as time goes on a European public service can develop which is strong, open to the outside world and fully adequate for the needs of the service. This is the object of the proposals we now proceed to make.

A. Recruitment

30. Recruitment procedures and organisation must be improved. At present, the procedure is that successful candidates are appointed from a reserve list as budgetary posts become available. The fact that these posts are granted by the Budgetary Authority makes it impossible for the Commission, as Member States would do, to recruit all those who have passed the competition. But it is possible to improve the situation to give successful candidates some guarantee of being appointed and of being given the necessary basic training. This is the purpose of the proposals which are set out in paragraphs 32 and 33.

In addition, recruitment should be carried out within a narrower age range in order that subsequent careers can be more homogeneous (cf. paragraphs 49-51). Proposals are at paragraph 34.

31. There are still obstacles to equal opportunity between men and women. These must be overcome. The new recruitment and training procedures which we propose will make considerable progress possible, at a moment in the career of an official when the basis for equal opportunity is firmly established. Equal opportunities must clearly also be guaranteed in subsequent stages of an official's career. A working party in which staff representatives are participating is studying the various problems. It will shortly submit its report. On the basis of this report, Mr Tugendhat will make suitable proposals before August 1980.

Recruitment Procedure

32. The Spierenburg Report recommended that the different Institutions should organise joint competitions. The Commission has long been favourable to this idea. The Parliament recently expressed interest in it and it appears from the latest contacts that the other Institutions are also favourable.

Last December, the Directors of Administration invited the Commission to make proposals for setting up a Central Recruitment Office.

We have looked carefully at this suggestion; it is extremely interesting, and is certainly the final objective. But it raises many difficulties which are not likely to be solved in the short term. By concentrating on this proposal, therefore, we should have run the risk of making no progress for several years towards improving recruitment procedures.

33. We therefore propose to continue the study and contacts necessary for the setting-up at a later stage of a Central Recruitment Office and at the same time to adopt now the following arrangements.

(a) The Commission agrees to the principle of joint recruitment and declares its political readiness to achieve this;

(b) The Commission proposes the amendments of the Staff Regulations which are necessary to allow joint competitions to be organised (Annex VI).

(c) Each Institution instructs its Head of Administration to organise joint competitions. For its part, the Commission would be ready to take part in organising joint competitions, even though not all Institutions take part, as soon as some Institutions have made their agreement known. The Commission will make a proposal on these lines to the other Institutions for the next open competition;

(d) A Standing Committee, to be headed by a Director, will manage the system.

(e) The Heads of Administration will report annually on progress to the Institutions.

(f) After three years the Heads of Administration will make proposals in the light of experience.

Recruitment Policy

34. We accept in general the recommendations in the Spierenburg Report. We make the following proposals;

(a) The age limit for recruitment into the lowest grade in Category A is lowered to 29 years. The requirement for post-graduate training or two years' professional experience is maintained;

(b) Recruitment to Category A will be made to the lowest grade, A8.

(c) Exceptionally, competitions can be organised for Grade A7, in order to recruit specialists with outstanding professional experience or exceptional academic qualifications.

(d) The juries are instructed to draw up a list of outstanding successful candidates. The Appointing Authority then recruits immediately a certain number of successful candidates including all those on the list on special training posts, which will not be allocated to Directorates General. Successful candidates recruited in this way must follow the training course proposed in paragraph 37.

(e) The probationary period, in the sense of Article 34 of the Staff Regulations, is at present fixed at nine months for officials of Category A, the Language Service and Category B, and at six months for other officials. As proposed in the Spierenburg Report, we recommend that the probationary period should be extended to one year. In the light of this recommendation, Mr Tugendhat will present in April 1980 a draft proposal to amend the Staff Regulations in order to modify the length of probationary periods.

B. Category B

35. The practice of excluding University graduates from open competitions for Category B must be abandoned, if only because it entails, as a result of the requirements for admission to competitions for Category A, the total exclusion from recruitment to the Commission's Services of the holders of basic or middle grade University degrees. To change this practice does not imply that the Commission will actively seek to recruit University graduates in Category B; it is only designed to correct an anomaly. We make the following proposals:

(a) University graduates are no longer excluded from open competitions for Category B. The basis of recruitment to Category B and the description of the duties of officials in this category remain unchanged.

(b) Ten per cent of the A8 posts available each year for the recruitment of officials is reserved for Category B officials with at least ten years seniority, (which stops Category B from becoming a devious way of gaining entrance to Category A). B officials are admitted to Category A by special competition on qualifications and tests. In no case may the change of category be automatic as a result of seniority.

(c) A professional training programme is provided for B officials who are suited for appointment as A officials.

(d) No B official has been appointed to Category A since 1972. Special arrangements, which are additional to those we propose above and cannot be renewed, should be made to deal with the backlog.

C. Training

36. In the past training has for the most part taken the form of general programmes, which are followed by officials who have made their own applications, who fulfil certain basic criteria and who have obtained the agreement of their Directorate General.

In future, more emphasis should be placed on specific training in strict relation to the requirements of departments. Apart from language training, which remains a top priority and for which Directorates General must release their officials, the proposals we now present concern three different levels of training.

(a) Training on appointment

37. At present, officials are recruited at different times of the year and immediately assigned to a Directorate General. It is difficult in this situation to organise properly the necessary basic training courses.

The immediate recruitment of a first group of successful candidates on training posts (cf. paragraph 34 d) would help to obviate this difficulty and would make it possible for a real introductory course to be organised. The other candidates who have passed open competitions for Category A as well as, mutatis mutandis, probationary officials in other categories must be given like training. Directorates General will be obliged to endorse requests made to be allowed to participate in these training courses.

It will be necessary, for all these courses, to call on professional expertise available outside the Commission. The new programmes must be introduced to coincide with the recruitment of the first group of successful candidates appointed on training posts.

(b) Further training

38. Further training of officials must be organised in such a way as to respond to the specific requirements of departments. It must meet three main requirements;

- the need for an official to acquire knowledge or techniques relevant to his job;
- the need for certain officials required to occupy more responsible positions to widen their experience;

- the need to provide management training for officials in the managerial grades and for principal administrators who by the way in which they do their work are clearly suited to take on management positions. These courses need only be short and, for the most part, can take place outside the Commission in specialized organisations whether they be private, semi-public or public.

(c) Training specifically linked to promotion

39. The question of training specifically linked to promotion (and particularly to promotion from Category B to Category A) will be continued. Mr Tugendhat will make proposals by August 1980.

40. A high-level official in the entourage of the Director General will be appointed in each Directorate General to be responsible for training. Each year he will send to DG IX a note setting out the precise training requirements of his Directorate General. This note will also say what possibilities there are of secondment to outside organisations and will be accompanied by a report on training in the previous year. DG IX will study the requests made by Directorates General in the light of the requirements noted by the Management and Organisation Division. Departments will be given each year a financial allocation sufficient to carry out a specific number of training activities of this type.

41. In general, the secondment of officials to national administrations should be encouraged. The difficulties encountered so far could be partially resolved by linking secondment to specific training requirements and also by compensating the department from which the seconded official comes by posting to it a temporary official recruited in accordance with the arrangements set out in paragraph 63.

D. Mobility

42. As the Spierenburg Report said, mobility must be made a right and a duty. This is an important factor in career development. Mobility must be fully applied for young officials. Nevertheless, if the measures we propose are introduced immediately and without discrimination, they could

harm the career or impair the rights of some officials brought up in a system in which mobility was not required of them. We therefore propose that the measures should be introduced in stages, some of them entering into force immediately. Thus, the measures proposed for putting some A8-A6 officials on a transfer list (paragraph 45 b) will be applied from 1980. Mobility will therefore become a condition for promotion to A5 from 1983. We propose that the Commission should authorize the Member responsible for Personnel and Administration to decide on the timing of the progressive introduction of the system as appropriate, in line with the progress of the necessary accompanying work. There must be a dialogue with the staff on the implementation of the scheme.

43. The steps the Commission has already taken to encourage mobility must be reinforced. We therefore make the following proposals.

(a) Promotion to A5 will only be possible if the official has had on at least one occasion a significant change of assignment.

(b) For A4/A5 officials, promotion to A3 will in principle only be possible if the official has had on at least two occasions in his career a significant change of assignment of which at least one should preferably involve a change of departments. Only officials whose field of specialization makes it necessary in the interest of the service to keep them in their original department may be exempted from this rule.

(c) For A3/A2 officials, the Commissioners and Directors General should take the initiative to arrange exchanges between homogeneous sectors on an ad hoc basis. Every two years, the Member of the Commission responsible for Personnel and Administration reports to the Commission on the movements which have taken place.

44. The measures proposed above for making mobility a necessary condition of promotion impose certain obligations on the Commission. In particular, the Commission must make sure that no obstacle, whether it be administrative or of any other kind, prevents officials who so wish from taking part in the mobility operation.

45. To take account of this, the following measures should be applied to mobility in the different Category A career brackets.

(a) The authority responsible for deciding whether a change of assignment constitutes a case of mobility is the Appointing Authority. A procedure should be introduced whereby an objective assessment can be made of significant changes of assignment in the duties performed by an official, as these latter are described in the official's staff report. This assessment will be made on the basis of a descriptive list of significant changes of assignment which the Commission will adopt and, if necessary, amend. Mr Tugendhat will make a proposal by August 1980 based on the list given, as an example, at Annex VII. The objective assessment of a change of assignment is recorded in the personal file of the official concerned.

(b) Within the mobility operation, officials must have a right to change assignments if they wish, which must be more than a theoretical possibility. On the lines of the Spierenburg Report, we therefore propose that officials in the career brackets A8 to A6 should be guaranteed the possibility of taking part in the mobility operation after a preliminary period of three years in their post. This would be done by automatically putting the officials concerned on a transfer list, which would be published. The publication of this list would allow officials to put themselves forward for posts likely to be freed in the mobility operation, and the Directorates General to prospect for suitable replacements, making full use of the Central Staff Register (cf. paragraph 22). Movements should be given effect by means of simultaneous transfers of the officials concerned (Annex VIII). Once the first movements are made, a chain reaction will occur which should ensure a satisfactory turnover.

46. The above proposals apply to generalist Category A officials. The general principles must also be applied to other services and categories. As regards categories B and C and the Language Service, Mr Tugendhat will make some initial proposals by the end of 1980. For the Scientific Service, which has special characteristics, we request that a thorough study of the question should be put in hand.

47. The rotation of officials posted to the Press Offices and the Commission's Delegations is part of the mobility operation. This question is already under study; specific proposals in addition to the existing arrangements will be made to the Commission by the end of 1980. In any case,

no official should have more than two consecutive postings outside headquarters, with a ceiling of 8 years.

E. Career development (1)

48. Recent years have seen a change in the career development of officials. When the administration was set up, many officials were recruited at high grades. In the 70's, on the other hand, there has only been a slight increase in the number of posts given to the Commission; in 1973, British, Danish and Irish officials arrived, and there has been little movement at the top of the hierarchy. This explains to a great extent the present difficulties within the different categories, for example at A4/5 level, and the considerable reduction in the number of moves between categories.

The proposals we now make are designed to deal with these difficulties.

(a) Career profile and promotion

49. As suggested in the Spierenburg Report, officials must have more regular career prospects. There is at present no framework to apply a coherent promotion policy and in general to ensure planned career development. To remedy this, we put forward, at Annex IX, a draft Commission decision regarding the indicative career profile for Category A. The following are the ranges proposed for admission to grades:

A8 up to 29 years
A7 up to 32 years
A6 32 to 38 years
A5 36 to 44 years
A4 44 to 50 years

(1) We are dealing here with problems experienced by Category A officials. For Categories B, C and D the present promotion system foreshadows the promotion mechanisms which we intend should be applied to Category A. The career structure of the language service has already been aligned on that of Category A officials. This will make it easier to transpose our general recommendations. A career profile and career development policy modelled on those proposed for other Category A officials will be applied to the Scientific and Technical Service.

50. This profile cannot be applied unless posts are made available through the early departure of some officials and through the temporary transformation of some posts. These decisions lie with the Budgetary Authority. To obtain the posts necessary, the Commission must undertake to apply a more regular promotion policy in future (linked with the renewed use of A8); in particular it must undertake to maintain the same promotion policy however many posts may become available as the natural retirement rate gathers pace. As regards the Language Service, Mr Tugendhat will make by the end of 1980 proposals based on the above principles. He will also have a study made of the best way to apply these principles to the Scientific Service.

51. The career profile is indicative. It goes without saying that some officials can be promoted more slowly. It will also be necessary to promote some officials well below average age. This is fundamental. If it cannot promote to important posts young officials from inside the House, the Commission will be faced with a dilemma: it will either have to let an increasingly inefficient administration ossify, or else call on increasingly large numbers of external staff to occupy important positions. It is to the advantage of the Commission and of officials that the main criteria for promotion should be merit and suitability for the work. It is up to Directorates General to single out which officials should be given rapid promotion and to take account of this at the different stages of an official's career, particularly on promotion from A6 to A5. We propose therefore that the Appointing Authority should fix each year, taking into account the forecast needs for senior officials, a higher percentage of officials than at present for promotion at an age significantly below the average.

52. In addition, in order not to endanger the restructuring of departments (see paragraph 9) as successive enlargements take place, it will be necessary to make arrangements to integrate Greek and later Portuguese and Spanish officials without having to set up new administrative units.

53. To enable the career profiles to be applied and to take account of the considerations in paragraph 52 above, we propose the following measures:

(i) The Commission should press the Council to adopt very soon the proposal at present under consideration to encourage retirement at 60;

(ii) The Commission should also, in accordance with the proposal which Mr Tugendhat will make by April, make proposals to the Council for temporary arrangements, to remain in force until 1986, (1) to encourage early departure. These would consist in giving A3 and A4 officials who have been in the highest step in their grade for at least two years and are aged 55 and over the possibility of leaving the service, with an allowance worth 70% of their basic salary; at 65 they would become eligible for a pension calculated in such a way that the period during which they received an allowance was reckoned as if they had remained at work. The number of officials to whom this measure can be applied would be fixed annually by the Budgetary Authority.

(iii) The Budgetary Authority is requested to adapt the list of posts by granting the number of transformations of posts from A7 to A6, from A6 to A5 and from A5 to A4 necessary to ensure that the career profile can in fact be applied. These transformations, which will take place over a period of three to five years, will be granted for limited periods, fixed in terms of the relationship between the grade pyramid and the age structure of staff (1).

54. The Commission should get in touch as soon as possible with the appropriate authorities in the Council and the European Parliament, so that the scheme can be in operation by the end of 1980.

(1) From 1986 the number of retirements will increase considerably as a result of the age structure of Commission staff.

55. Rapid career development will not be possible unless there is also some guarantee of objectivity. We therefore propose, as regards promotion from A6 to A5, that the Category A Promotion Committee should be instructed to draw up a list of officials deserving promotion. This list will be drawn up on the basis of the principles set out above, i.e. the career profile, the rate fixed for rapid promotion and mobility. From this list Directorates General will be able to select the officials best suited to the vacancies to be filled. A draft decision is attached at Annex X.

56. On the lines recommended in the Spierenburg Report, we propose that the Commission should set up a Consultative Committee which would be responsible for assessing the capacities and suitability for the post of candidates for A2 and A3 posts in the stages of the procedure set out in Article 29.1.a) and c) of the Staff Regulations. The assessment would be made in the light of the qualifications required in the Notice of Vacancy. The Committee gives its opinion before the Commissioners concerned make their proposal. The Committee will have the possibility of calling in other officials; in particular it will on each occasion call in the Director General of the Directorate General in which the appointment is to be made. The Committee is at the disposal of the Commission for any other duties which may be conferred on it. It will be chaired by the Secretary General and composed of the Director General for Personnel and Administration, another Director General by rotation and a representative of the Member of the Commission responsible for Personnel and Administration. The members of this group would be appointed in a personal capacity. A draft decision is attached at Annex XI.

(b) Separation of grade and function

57. There are no proposals in the Spierenburg Report for separating grade and function. It would not be appropriate at the present moment to introduce a systematic separation of grade and function, in spite of its great practical advantages, particularly as regards flexibility. We therefore propose some measures which, while remaining in line with present arrangements, will nevertheless allow some progress to be made:

(i) We put forward at Annex XII a draft amendment to the descriptive table of posts which will make it possible to put A3 officials into a division under the authority of a Head of Division. This will make it easier to take into account the complete range of duties assigned to grade A3 officials, of whom some are concerned with management, while others have more conceptual duties.

(ii) Specialized services and sectors within a Division provide an appropriate framework for assessing the qualities of an official before promoting him to Head of Division. They should enable A4/5 officials to be given important responsibilities.

(c) Recruitment of external staff on permanent posts

58. We put forward at Annex XIII a draft proposal to amend the Staff Regulations to allow external staff to be recruited on A3 posts otherwise than by a competition. This proposal is necessary in order to be able to continue to benefit from professional experience acquired outside the Commission departments, while at the same time clarifying the present situation and giving officials a guarantee which they do not at present have, as the percentage of A3 posts reserved for them will in future be at least 80% of the posts filled at that grade.

59. We propose that the Commission should decide to apply the 20% limit immediately. This limit applies to all non-established staff and therefore to the temporary staff in the Cabinets. The establishment of Cabinet staff was discussed separately by the Commission at its 540th meeting (cf. doc. COM(79) Min 540, Part Two, Item VIII B).

60. As a result of the proposal in paragraph 58 above it will be necessary to amend the Staff Regulations to specify that admission to internal competitions is limited to established officials of the Commission (1). A draft proposal to amend the Staff Regulations is attached at Annex XIII.

61. For grades below A3, the recruitment of specialists under Article 29 paragraph 2 of the Staff Regulations will continue in accordance with existing rules and practices. In particular, the Joint Committee will continue to be consulted on the Vacancy Notices. To make the Joint Committee's decision easier, the Management and Organisation Division will for each case give its opinion in advance on the exceptional nature of the qualifications required in the light of the tasks and responsibilities of the unit concerned.

(1) Except for special arrangements concerning local staff.

F. Recruitment of staff for limited periods

62. The Commission would benefit considerably from the introduction into its departments, for limited periods and in the middle grades, of a current of staff with experience outside the Commission. Two different types of staff can be distinguished:

(a) Staff with experience in a specialised area. The Commission must be able to recruit for limited periods experts to deal on an ad hoc basis with specific questions which permanent officials are not qualified to tackle. Present administrative arrangements make it difficult to recruit such people except as permanent officials, which makes it unlikely that the Council will agree to grant new posts for these activities;

(b) staff with professional experience outside the Commission, in order to encourage the interpenetration of experience.

To have recourse to these two kinds of staff will not impair the career prospects of permanent officials, as we propose (paragraph 60) that the possibility of their being established should be excluded. We request that the Budgetary Authority should grant the additional posts necessary for this purpose for a limited period.

63. We make the following proposals based on these principles:

- temporary staff can be recruited at the A4/A5 level with three year contracts, which can be renewed once for one year;
- the number of temporary staff recruited under these arrangements must not exceed a ceiling expressed as a percentage (20%) of the total number of officials at the same level; in present terms, there could not be more than 200 officials of this type;
- the temporary staff would be appointed on temporary posts appearing in a separate column of the Commission's list of posts, with a commentary which specifies in particular the length of their contracts and the date on which the post expires (Annex XIV);

- DG IX will allocate temporary staff to the different Directorates General, on the basis of requests with full explanations made by the Directorates General in accordance with a procedure similar to that proposed in paragraph 17.

In addition, it will be necessary to obtain from the employer of these temporary staff an undertaking as regards the conditions under which they will return to their original jobs when their contract with the Commission expires.

64. We leave open the question of what arrangements could be made in the preliminary draft budget during the first year in which the measure is applied (1981). Mr Tugendhat will make proposals at the appropriate time. It will then be necessary to see to what extent the temporary staff engaged under these arrangements could replace some of the seconded experts employed by the Commission, of whom there are at present some 130.

CONCLUSIONS

65. We request the Commission to approve the whole of our Report and the procedure set out at point II.E of our communication to the Commission: the Secretary General, acting on instructions from the President, is given the task of organising follow-up work, of seeing that the decisions taken by the Commission are properly implemented by the departments and of reporting regularly to the Commission.

66. The Report contains two types of measure.

The first consists of measures for which Mr Tugendhat will make the necessary proposals in accordance with the timetable suggested in the Report. A list of these measures is at Appendix A.

The second consists of measures for which we put forward formal proposals, which we request the Commission to adopt. The list of these proposals is at Annex B; the corresponding draft Legal Acts are at Annexes I to XIV.

67. Of the decisions listed in Appendix B, some enter into force immediately. Others must be sent on to the other Institutions as proposals from the Commission.

68. The decisions listed under Items 30 to 33 of Appendix B are approved immediately by the Commission but do not enter finally into force, even when they can be taken by the Commission alone, until it is clearly likely that the operation as a whole will succeed.

69. The Commission will implement immediately the measures for which it alone is competent, on the understanding that it remains free to change its attitude as discussions on the operation as a whole progress. The decisions which enter into force in advance and on a temporary basis are those listed in points 26, 27, 28 and 31 of Appendix B.

Planning

- Priorities

6. The Commission adopts the arrangements for improving planning set out in paras. 13-15.

7. The Commission adopts the decision setting up a group to check progress in the work of Directorates General and Services with the Commission's outline programme (Annex I).

- Budgetary Procedure

8. The Commission adopts the arrangements for reinforcing its internal budgetary procedures set out in para.16(i)-(vii).

- Staff Requirements

9. The Commission adopts the arrangements for drawing up requests for additional staff set out in para. 17 (i)-(v).

- Division for Management and Organization

10. The Commission adopts the decision setting up a Management and Organization Division and defining its functions (Annex II).

- Adaptation of the Structure of Departments

11. The Commission adopts the decision delegating powers to adapt the structure of departments and the decision amending the decision regarding the Appointing Authority (Annex IIIA and B).

- Central Staff Register

12. The Commission decides to set up a Central Staff Register to store and exploit the following data for each official:

- studies, training and qualifications
- professional experience before and during employment with the Commission
- current duties

These data will be taken exclusively from officials' personal files. Access to the system will be governed by the rules applicable to personal files. (para. 22)

Management

13. The Commission adopts the arrangements for encouraging better management set out in paras. 23(a)-(e) and 26.

14. The Commission adopts the decision concerning duty trips (Annex IV).

15. The Commission adopts the proposal to amend the Staff Regulations as regards invalidity arrangements (Annex V).

Discipline

16. The Commission instructs Directors General and Heads of Service to apply the principles of maintaining discipline set out in para. 27.

Staff policy

- Recruitment procedures (1)

17. The Commission approves the arrangements to encourage recruitment in common by all the Institutions set out in para. 33(a) and (c)-(f).

18. The Commission adopts the proposal to amend the Staff Regulations as regards the organization of joint competitions (Annex VI).

- Recruitment policy

19. The Commission adopts the arrangements as regards recruitment policy set out in para. 34(a)-(d). (The proposal concerning "postes de stage" depends on a decision of the budgetary authority in the 1981 budget).

(1) 17-18: Commission proposals to be put into force in agreement with the other Institutions.

- Category B

20. The Commission adopts the arrangements concerning Category B officials set out in para. 35 (a)-(d).

- Training

21. The Commission adopts the guidelines and specific arrangements for training policy set out in paras. 37-41.

- Mobility (1)

22. The Commission adopts the arrangements for encouraging mobility set out in paras. 43(a)-(c) and 45(a)-(b) and in Annex VIII.

23. The Commission authorizes the Member of the Commission responsible for personnel and administration to decide on the progressive introduction of the arrangements as indicated in para.42.

24. The Commission instructs the appropriate departments, under the authority of the Commissioners concerned, to study the application of the principles of mobility to the scientific cadre (para. 46).

- Career Development

25. The Commission adopts the decision regarding the career profile for Category A (Annex IX) (2).

26. The Commission adopts the decision regarding the Promotion Committee for Category A officials (Annex X).

27. The Commission adopts the decision setting up a Consultative Committee on certain appointments to A2 and A3 posts (Annex XI).

(1) 22-23: Commission decisions applicable after the adoption of measures for bringing into force, according to a timetable to be decided by Mr Tugendhat.

(2) 25: Commission decision which cannot be fully applied until after a decision of the budgetary authority.

28. The Commission adopts the amendment to the descriptive table of posts (Annex XII).

29. The Commission approves the arrangements to apply the career profile, especially in the period of enlargement, set out in paras. 53-54 (3).

Package of linked measures whose bringing into force will depend on the agreement of the budgetary authority or amendment of the Staff Regulations (30-33)

Outside Recruitment

30. The Commission adopts the proposal to amend the Staff Regulations to allow recruitment of outside staff to A3 posts otherwise than by a competition and specifying that admission to internal competitions is reserved to established officials of the Institution (Annex XIII).

31. The Commission adopts the internal arrangements concerning the appointment from outside of A3 officials set out in para. 59.

Recruitment of Staff for Limited Periods

32. The Commission adopts the arrangements to facilitate the introduction of outside experience set out in para. 63.

33. The Commission adopts the proposal to amend the Conditions of Employment of Other Servants to enable temporary staff to be appointed to temporary posts (Annex XIV).

(3) 29: decision of the Budgetary Authority.

Annex I

Draft Commission decision setting up a group to check progress in the work of Directorates General and Services against the Commission's outline programme (para.15 of the Report)

1. A group is set up to check throughout the year progress in the work of Directorates General and Services against the Commission's outline programme.
2. The group is chaired by the Secretary General.
3. The group is composed of
 - a representative appointed by the President
 - two Directors General or Heads of Service appointed as set out in 4 below.
4. (a) The Directors General or Heads of Service members of the group are appointed by the President.

(b) Their term of office is two years, and is not immediately renewable.

(c) These members are appointed on 1 July in alternate years, except that the first two members are appointed on 1 April 1980.

(d) The term of office of one of the members appointed on 1 April 1980 expires on 30 June 1981.
5. The group is assisted in its work by the Division for Management and Organization, which for this purpose is directly responsible to it.
6. The group decides its own working methods and procedure.
7. Under the authority of the President, the group submits an annual report to the Commission in June.
8. The group may also submit specific observations and proposals to the Member of the Commission responsible for the relevant sector and to the President.
9. This decision enters into force on 1 April 1980.

Draft Commission decision setting up a Management and Organization Division and defining its functions. (para. 20 of the Report)

1. A Division for Management and Organization is set up in the Directorate General for Personnel and Administration, directly responsible to the Director General.

2. This division carries out the duties formerly conferred on the "screening group", namely

- (i) make a factual inventory of the duties and staff of departments, and on this basis define criteria to enable the Commission to assess the extent to which it has the means to achieve its political objectives (1)
- (ii) examine whether a department's resources, and in particular its staff resources, are used in the best way with respect to existing tasks; recommend any redeployment which appears necessary (2)
- (iii) when a department's available resources clearly are and will remain unequal to the volume of work, the group may analyse the problems and possible hypotheses, and transmit the result to the responsible Member of the Commission (2).

3. The Division also

- (i) assesses requests for additional staff made by departments, following the guidelines laid down by the Commission by its adoption of para. 17(ii) of the Report of the Group of Members of the Commission set up to study implementation of Part Three of the Spierenburg Report (doc. SEC(80)270/2) and further instructions given by the Member of the Commission responsible for Personnel and Administration amplifying those guidelines.

(1) Commission decision of 5 December 1973 (doc. COM(73)PV 275, item XIII.D)

(2) Commission decision of 5 October 1977 (doc. COM(77)PV 445, item XX)

- (ii) reports on the organization and progress of work in departments as regards their conformity with the priorities set out in the Commission's outline programme and the priority objectives of departments.
- 4. A representative of the Secretariat General takes part in the work of the Division for Management and Organization.
- 5. As regards the duties described in para. 3(ii) above,
 - (i) the Division will be assisted by a person from outside with wide experience of the Commission departments, to be appointed by the President of the Commission.
 - (ii) the Division works under the instructions of the group set up by the Commission on (1) to check progress in the work of Directorates General and Services against the Commission's outline programme, and reports to that group.
- 6. This decision enters into force on 1 July 1980.

(1) cf. Annex I

Restructuring of a Commission Department

(para. 21 of the Report)

A. Draft Commission decision to delegate powers in the Personnel and Administration Sector as regards changes in the Organigramme

(presented by the President in agreement with Mr Tugendhat)

1. In accordance with Article 27 of the Commission's provisional rules of procedure and with the Decision of 23 July 1975 establishing the principles and conditions according to which the Commission may delegate powers,

- power is delegated to the Member of the Commission responsible for Personnel and Administration, in the name of the Commission and under its responsibility,
- to decide on changes to the Organigramme and any changes in the posting of Category A staff which result from them.

2. This delegation of powers is not applicable,

- when the operation concerns several Directorates General or Services;
- when the total numbers of management staff (A1 to A3) are altered.

3. In the absence of the Member of the Commission responsible for Personnel and Administration the delegation is exercised by the Member of the Commission responsible for the Sector concerned.

4. The Member of the Commission responsible for the Sector concerned must previously have given his agreement to the operation proposed.

5. The Directorate General responsible certifies to the Secretariat General that the conditions which would invalidate the application of the delegation of powers procedure, given under 2 above, do not apply.

Note explicative : Le projet de décision ci-après a pour but d'ajuster le niveau d'AIPN pour les réaffectations avec emploi pour le rendre concordant avec les dispositions proposées sous A.

B. Projet de décision de la Commission modifiant la décision relative à l'exercice des pouvoirs dévolus par le statut des fonctionnaires à l'autorité investie du pouvoir de nomination ainsi que par le régime applicable aux autres agents à l'autorité habilitée à conclure les contrats d'engagement.

La Commission des Communautés européennes,
Vu l'article 2 du statut des fonctionnaires,
Vu l'article 6 du régime applicable aux autres agents (RAA),
arrête la présente décision :

Article premier (voir annexe contenant un tableau indicatif)

La décision de la Commission du 5 octobre 1977 relative à l'exercice des pouvoirs dévolus par le statut des fonctionnaires à l'autorité investie du pouvoir de nomination ainsi que par le régime applicable aux autres agents à l'autorité habilitée à conclure les contrats d'engagement est modifiée comme suit :

- à l'article 2, 3ème tiret, 7 paragraphe 1, supprimer "-Réaffectation avec emploi."
- à l'article 3, 7ème tiret, 7 paragraphe 1, supprimer "-Réaffectation avec emploi"
- à l'article 3, 4ème tiret, ajouter au début "7 paragraphe 1 - Réaffectation avec emploi" assorti d'une footnote (a) se lisant "En cas de réaffectation avec emploi à l'intérieur d'une Direction générale/Service assimilé, ce pouvoir s'exerce après accord du Membre de la Commission compétent pour ce secteur d'activité".
- à l'article 4, 5ème tiret, ajouter après 4 al. 2 "7 paragraphe 1 - Réaffectation avec emploi" assorti d'une footnote (a) se lisant "En cas de réaffectation avec emploi à l'intérieur d'une Direction générale/Service assimilé, ce pouvoir s'exerce après accord du Directeur Général/Chef de service intéressé."

Article 2

La présente décision entre en vigueur le (1)

(1) Le jour suivant celui de son adoption par la Commission.

ANNEXE III

TABLEAU REPRESENTANT LE CONTENU DE L'ARTICLE PREMIER DU PROJET :

Articles	Objet	Commission	Membre de la Commis. resp. des quest. du pers. et de l'adm.	Dir.-Gén. du pers. et de l'adm. IX	Dir. du pers. et dir. du pers/ et adm. LXB (Dir. Pers.) (Dir. P et A, Lx)	Chefs div. du serv. spéc.	Dir. de l'Off. des Publ.
(1) Statut	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Réaffectation avec emploi		A1/A2/A/LA3 (a)	A/LA 4 à 8 (b)	B (1) (b)	C-D(1) (b)	

(1) Pouvoir exercé par le directeur du personnel et le chef du service spécialisé "Effectifs"

(a) En cas de réaffectation avec emploi à l'intérieur d'une Direction Générale/Service assimilé, ce pouvoir s'exerce après accord du membre de la Commission compétent pour ce secteur d'activité.

(b) En cas de réaffectation avec emploi à l'intérieur d'une Direction/Générale/Service assimilé, ce pouvoir s'exerce après accord du Directeur Général/Chef de service intéressé.

Draft Internal decision of the Commission concerning duty trips

(para. 24 of the Report)

1. The Commission fixes the basic budgetary allowances for 1980 for Directorates General and Services on the basis of the amounts actually spent in 1978. This represents an allowance, in real terms, of about 75% of 1978 expenditure. The remaining appropriations constitute a reserve, which can only be drawn on if authorization is given in accordance with the procedure set out in para. 3, 3rd subpara.

2. At the same time, the Commission fixes a ceiling for the number of duty trips authorized by each Directorate General and Service on the basis of the number of duty trips carried out in 1979 reduced by 25%.

3. Each Directorate General and Service will draw up a quarterly forecast of duty trips planned at the level of the division/specialized service. This forecast will be brought up to date each month, and will include all foreseeable duty trips, especially those outside Europe; for duty trips which cannot be foreseen, a general estimate will be sufficient.

The monthly forecast will be used as the basis for drawing up the provisional commitments of appropriations under line no. 1301. This is already followed up by the "Duty trips office" of Division IX.A.5 which informs authorizing departments of expenditure of duty trips appropriations.

The amount of quarterly commitments and the number of duty trips may not exceed one quarter of the allowance for the year, unless the Member of the Commission responsible for the Directorate General or Service concerned is satisfied that an exception can be justified; he then applies to the Member of the Commission responsible for personnel and administration for authorization, before any new commitment or before the quarterly number of duty trips can be exceeded.

4. The following information must be included on the movement order by the Directorate General or Service and may therefore be required by the Duty Trips Office of IX.A.5:

- serial number of the duty trip
- precise definition of the object of the duty trip
- number of those taking part from the Directorate General or Service
- other departments concerned or which have been consulted

- whether the duty trip is on the initiative of the Commission or at the request of a third party.

MODIFICATION DU REGIME DE MISE EN INVALIDITE (PARAGRAPHE 25 DU RAPPORT)

Création d'un alinéa 2 à l'article 59 paragraphe 4 du Statut à lire comme suit :

"Toutefois, après avis du médecin-conseil de l'institution, l'A.I.P.N. peut saisir à tout moment la Commission d'invalidité du cas du fonctionnaire en congé de maladie, qui notamment à la suite d'un accident, d'une maladie soudaine ou d'une aggravation subite d'une affection préexistante, paraît atteint d'une infirmité ou d'une affection d'une nature et d'une gravité telles qu'elles laissent présumer une invalidité permanente".

Insertion d'un alinéa nouveau entre les alinéas premier et deuxième de la version actuelle de l'article 14 de l'annexe VIII à lire comme suit :

"Toutefois, le fonctionnaire mis à la retraite en application de la procédure prévue à l'article 59, paragraphe 4, alinéa 2 du Statut, perçoit, pendant une période équivalente à la différence entre douze mois et le nombre de mois ou de fractions de mois de congé de maladie dont il a bénéficié avant sa mise à la retraite pendant la période de trois ans précédant la date de saisine de la Commission d'invalidité, une indemnité égale à la rémunération qu'il aurait perçue s'il était resté en activité, abstraction faite de l'application des coefficients correcteurs. La monnaie de paiement et le coefficient correcteur affectant ladite indemnité sont déterminés conformément aux dispositions de l'article 82 paragraphe 1 du Statut. Le droit à pension d'invalidité prend effet dans ce cas à compter du premier jour du mois civil suivant le dernier versement de l'indemnité. Pour l'application de l'article 70 du Statut en cas de décès de l'intéressé pendant la période de versement de l'indemnité, celle-ci est prise en compte."

MODIFICATIONS DU STATUT NECESSAIRES POUR PERMETTRE L'ORGANISATION DE
CONCOURS EN COMMUN (paragraphe 33 b) du rapport)

Article 2

1. Chaque institution détermine les autorités qui exercent en son sein les pouvoirs dévolus par le présent statut à l'autorité du pouvoir de nomination.

Les autorités qui exercent à l'égard des fonctionnaires du Comité économique et social les pouvoirs dévolus par le présent statut à l'autorité investie du pouvoir de nomination, sont déterminées par le règlement intérieur du Comité.

2. Toutefois deux ou plusieurs institutions peuvent confier l'exercice des pouvoirs dévolus à l'autorité investie du pouvoir de nomination par certaines dispositions du présent statut à une autorité commune, choisie en leur sein.

Article 9

Paragraphe 1 bis (à insérer entre le paragraphe 1 et le paragraphe 2).

Pour l'application de certaines dispositions du présent statut, il peut être institué, auprès de deux ou plusieurs institutions, une commission paritaire commune.

ANNEXE II

Article 2

La ou les commissions paritaires sont composées :

- d'un président nommé chaque année par l'autorité investie du pouvoir de nomination,

- de membres titulaires et de membres suppléants désignés à la même date en nombre égal par la ou les autorités investies du pouvoir de nomination et par le ou les comités du personnel.

Un membre suppléant ne siège qu'en l'absence d'un membre titulaire.

Les modalités de composition d'une commission paritaire commune sont arrêtées du commun accord des institutions représentées dans cette commission.

Article 3

La Commission paritaire se réunit sur convocation d'une autorité investie du pouvoir de nomination ou à la demande d'un comité du personnel.

(Les 4 alinéas suivants sans changement)

ANNEXE III

Article 3

Le jury est composé d'un président et d'une ou plusieurs personnes désignées par l'autorité investie du pouvoir de nomination ainsi que d'un fonctionnaire désigné par le comité du personnel ou, en cas de concours commun à deux ou plusieurs institutions, du commun accord des comités du personnel de ces institutions.

Indicative list of cases of mobility (para.45 a) of the Report)

The following shall be considered as significant changes of assignment

1. Any change of administrative unit, except when this is a result of restructuring and the official carries out substantially the same duties as before.
2. Any change of duties within the same administrative unit, provided the official relinquishes all or the major part of his previous duties and takes on others in their place.
3. Any course of training in an outside institution lasting not less than one academic year.
4. Any secondment to the Cabinet of a Member of the Commission or to the European Association for Cooperation for a period of not less than twelve months.
5. Any secondment to an outside organization or national administration for a period of not less than twelve months.
6. Relevant professional experience of not less than three years with an employer other than the Commission.

Draft Commission Decision on mobility (para. 45.b) of the Report)

A. The Commission adopts the following guidelines concerning mobility.

1. Mobility as a condition of promotion

(a) Promotion to A5 will only be possible if the official has had on at least one occasion a significant change of assignment.

(b) For A4/A5 officials, promotion to A3 will in principle only be possible if the official has had on at least two occasions in his career a significant change of assignment, of which at least one should preferably involve a change of department. Only officials whose field of specialization makes it necessary, in the interest of the service, to keep them in their original department, may be exempted from this rule.

(c) For A3 and A2 officials, the Commissioners and the Directors General should take the initiative to arrange exchanges between homogeneous sectors on an ad hoc basis. Every two years, the Member of the Commission responsible for personnel and administration reports to the Commission on the movements which have taken place.

2. The competent authority

(a) The authority competent for deciding whether a change of assignment constitutes a case of mobility is the Appointing Authority.

(b) A procedure is introduced whereby an objective assessment can be made of significant changes of assignment in the duties performed by an official, as these latter are described in the official's staff report. This assessment is made on the basis of a descriptive list of significant changes of assignment which the Commission will adopt and, if necessary, amend (1). The objective assessment of a change of assignment is recorded in the personal file of the official concerned.

(1) Proposal to be made by Mr Tugendhat.

3. Guarantees

(a) Officials in the career brackets A8-A6 are, after a preliminary period of three years in their post, automatically put on a transfer list.

(b) The transfer list is published before any postings are made.

(c) Movements under the mobility scheme are carried out by transfer to vacant posts. The transfers occur simultaneously.

B. The Commission will adopt measures to apply the above principles together with transitional arrangements on a proposal which Mr Tugendhat will make by August 1980.

Draft Commission decision regarding the career profile for the A category (para./49 of the Report)

1. The Commission adopts an indicative career profile for Category A.
The age ranges for admission to grades shall be as follows:

Grade	Age range:	
	from	to
A8	-	29
A7	-	32
A6	32	38
A5	36	44
A4	44	50

The profile can only be fully applied after the new recruitment procedure has entered into force. It must be interpreted in the light of the age at which the official joined the service or the category.

2. The profile shall be taken into account both by Directors General and Heads of Service responsible for proposing staff for promotion and by the Promotion Committee required to draw up draft lists of those considered most suitable for promotion. Two other factors shall also be taken into account, as follows:

- (a) each year the appointing authority will indicate what proportion of promotions to each grade should be devoted to early promotions, that is of particularly meritorious staff below the age range for each grade. This proportion will vary according to the forecast requirement of the Commission's management structure;
- (b) fulfilment of the requirements laid down by the Commission's policy on mobility.

Draft Commission Decision regarding the Promotion Committee for Category A officials (para. 55 of the Report)

1. The Promotion Committee for Category A officials at present competent for promotions from A7 to A6 and from A5 to A4 shall be competent also for promotions from A8 to A7 and from A6 to A5. (The composition of this committee was determined by decisions of the Commission on 21.12.1970 and 14.7.1971 - republished in Administrative Notices of 13.5.1975, No. 42).

Promotions to A5

2. (i) At the beginning of each financial year, the Committee communicates to the Appointing Authority a draft list of officials in Grade A6 judged to be most deserving of promotion to grade A5. The number of officials on this list is as far as possible 50 % greater than the number of budgetary posts likely to be available in the financial year in question. In drawing up the draft list, the Committee takes into account among others the indicative career profile for Category A, the proportion of promotions to grade A5 laid down for early promotions in that year by the Appointing Authority, and the requirements of the Commission's policy on mobility (1).

(ii) On the basis of this draft, the Appointing Authority adopts the list of officials judged to be most deserving of promotion.

(iii) This list remains valid until 31 December of each year. It is brought to the notice of the staff and communicated to all departments.

(iv) All vacant posts in the career-bracket A4/A5 which the Appointing Authority has decided to fill are brought to the notice of the staff (2).

(1) Annex IX

(2) In conformity with the rules of procedure adopted by the Commission on 14.2.1968, 25.11.1970 and 20.2.1971 (Administrative Notice No.175 bis of 24.3.1971).

(v) The following are taken into consideration for appointment to such posts:

by transfer - officials in the same career bracket as that of the post to be filled, and who have applied for it;

by promotion - officials on the list referred to in § 2(ii) above.

(vi) After consultation of the departments concerned, the Appointing Authority appoints to the vacant post by transfer or promotion, from among the officials enumerated in § 2 (v) above, the official judged most suited to carry out the duties of the post.

Promotions to A7

3. (i) Each year, the Committee communicates to the appointing authority a draft list of established officials in Grade A8 judged to be most deserving of promotion to Grade A7. The number of officials on this draft list is as far as possible greater than the number of budgetary posts likely to be available in the financial year in question. In drawing up the draft list, the Committee takes into account the probationary report and the indicative career profile for Category A.

(ii) On the basis of this draft, the Appointing Authority adopts the list of officials judged to be most deserving of promotion.

(iii) This list remains valid until the publication of the next list. It is brought to the notice of the staff and communicated to all departments.

(iv) The same procedure is then followed, mutatis mutandis as in para. 2(iv)-(vi) above.

4. This decision enters into force on 1 July 1980.

Draft Commission Decision setting up a Consultative Committee as regards certain appointments to Grades A2 and A3 (para. 56 of the Report)

1. A Consultative Committee is set up composed of four members, who are appointed in a personal capacity:

- the Secretary General
- the Director General for Personnel and Administration
- a Director General or Head of Service appointed by the President for a period of two years
- a representative of the Member of the Commission responsible for personnel and administration.

2. The Committee is chaired by the Secretary General.

3. The Committee examines the candidatures for Grade A2 and A3 posts by promotion, transfer or transfer from another Institution, as regards the capacities and suitability of the various candidates in the light of the qualifications required in the Notice of Vacancy. It gives its opinion to the Member of the Commission responsible for the sector concerned and to the Member of the Commission responsible for Personnel and Administration.

4. The Committee may call in other officials; in particular it calls in on each occasion the Head of Department in which the appointment is to be made.

5. This decision is applicable from 1 May 1980.

AFFECTATION DES FONCTIONNAIRES A3 DANS UNE DIVISION SOUS
L'AUTORITE D'UN CHEF DE DIVISION (paragraphe 57 (i) du rapport)

TABLEAU DES DESCRIPTIONS DES EMPLOIS-TYPES
PREVUS A L'ARTICLE 5 DU STATUT

Classification des emplois de la catégorie A

Carrière	Emploi-type	Description de la fonction	Dénomination
A 1	Directeur général	<p>Dirige une unité administrative du niveau le plus élevé.</p> <p>Participe à la direction d'une unité administrative du niveau le plus élevé sous l'autorité du directeur général</p> <p>Fonctionnaire de très haute qualification appelé à conseiller l'institution dans un domaine déterminé.</p>	<p>Directeur général</p> <p>Directeur général adjoint</p> <p>Conseiller hors classe</p>
A 2	Directeur	<p>Dirige une unité administrative importante, sous l'autorité d'un directeur général ou, exceptionnellement, sous l'autorité directe de l'institution.</p> <p>Fonctionnaire de haute qualification appelé à conseiller l'institution ou une direction générale dans un domaine déterminé.</p>	<p>Directeur</p> <p>Conseiller principal</p>
A 3	Chef de division	<p>Dirige une unité administrative sous l'autorité d'un directeur ou, exceptionnellement, sous l'autorité directe d'un directeur général.</p> <p>Fonctionnaire de haute qualification appelé à conseiller l'institution, une direction générale ou une direction dans un domaine déterminé.</p> <p>Fonctionnaire de haute qualification chargé de tâches de conception, d'étude ou de contrôle sous l'autorité d'un chef de division</p>	<p>Chef de division</p> <p>Conseiller</p> <p>Administrateur hors classe</p>

Carrière	Emploi-type	Description de la fonction	Dénomination
A4 - A5	Administrateur principal	<p>Dirige une unité administrative moins importante qu'une division sous l'autorité d'un directeur.</p> <p>Coordonne, sous l'autorité du chef de division, les travaux relevant d'un des secteurs d'activité d'une division.</p> <p>Fonctionnaire qualifié chargé de tâches de conception, d'étude ou de contrôle sous l'autorité du chef de l'unité administrative à laquelle il est affecté.</p>	<p>Chef de service</p> <p>Chef de secteur</p> <p>Administrateur principal</p>
A6 - A7	Administrateur	<p>Fonctionnaire chargé de tâches de conception, d'étude ou de contrôle sur base de directives générales, sous l'autorité du chef de l'unité administrative à laquelle il est affecté.</p>	Administrateur
A 8	Administrateur adjoint	<p>Fonctionnaire débutant chargé de tâches de conception et d'étude sur base de directives détaillées, sous l'autorité du chef de l'unité administrative à laquelle il est affecté.</p>	Administrateur adjoint

MODIFICATION DU STATUT PERMETTANT DE RECRUTER DES PERSONNELS EXTERIEURS AUX POSTES A3 PAR UNE PROCEDURE AUTRE QUE LE CONCOURS ET PRECISANT QUE L'ACCES AUX CONCOURS INTERNES EST RESERVE AUX FONCTIONNAIRES TITULAIRES DE L'INSTITUTION
(paragraphe 58 du rapport)

Article 29

Paragraphe 1. En vue de pourvoir aux vacances d'emploi dans une institution, l'autorité investie du pouvoir de nomination, après avoir examiné :

- (a) Les possibilités de promotion et de mutation au sein de l'institution;
- (b) Les possibilités d'organisation de concours internes ouverts aux fonctionnaires titulaires de l'institution et, en ce qui concerne les emplois des catégories C et D, aux agents locaux de l'institution;
- (c) Les demandes de transfert de fonctionnaires d'autres institutions des trois Communautés européennes;

ouvre la procédure de concours sur titres, sur épreuves ou sur titres et épreuves. La procédure de concours est déterminée à l'annexe III.

Cette procédure peut être ouverte également en vue de constituer une réserve de recrutement.

Paragraphe 2. Une procédure de recrutement autre que celle du concours peut être adoptée par l'autorité investie du pouvoir de nomination pour le recrutement des fonctionnaires des grades A1 et A2.

Paragraphe 3. Une procédure de recrutement autre que celle du concours peut également être adoptée par l'autorité investie du pouvoir de nomination :

- (a) dans la limite d'un cinquième des emplois de grade A3 à pourvoir, pour les emplois de ce grade pour lesquels est souhaitable une expérience professionnelle acquise à l'extérieur des services des institutions; cette disposition s'applique par série de 10 emplois à pourvoir, sans tenir compte des emplois rendus vacants par voie de mutation;
- (b) dans des cas exceptionnels, pour les emplois de grade inférieur au grade A3 nécessitant des qualifications spéciales.

R. A. A.

(Agents temporaires sur emplois temporaires) (paragraphe 63 du rapport)

Article 2

Est considéré comme agent temporaire, au sens du présent régime :

a) L'agent engagé en vue d'occuper un emploi compris dans le tableau des effectifs annexé à la section du budget afférente à chaque institution et auquel les autorités budgétaires ont conféré un caractère temporaire :

- soit en raison de la nature des tâches correspondant à cet emploi,
- soit en raison de la nécessité de faire appel, pour une durée limitée, à des personnes qualifiées ayant acquis une expérience professionnelle à l'extérieur des services des institutions.

(b), c) et d) sans changement).

Article 8

L'engagement d'un agent temporaire visé à l'article 2 sous a), premier tiret peut être conclu pour une durée déterminée ou indéterminée.

L'engagement d'un agent temporaire visé à l'article 2 sous a), deuxième tiret ne peut excéder trois ans et ne peut être renouvelé qu'une fois pour une durée d'un an au plus. A l'issue de cette période, il est obligatoirement mis fin aux fonctions de l'agent en qualité d'agent temporaire. A l'expiration de son contrat, l'agent ne peut occuper un emploi permanent de l'institution que s'il fait l'objet d'une nomination en qualité de fonctionnaire dans les conditions fixées par le statut.

(suivent, sans changement, les alinéas 2, 3 et 4 du texte en vigueur).