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The President

Ambassador Rory Montgomery
Ambassador Extraordinary and Plenipotentiary
Permanent Representation of Ireland
Rue Froissart 50 / Froissartstraat 50
1040 Brussel

303339 04.03.2013

Dear Ambassador,

Klaus-Heiner Lehne, Chair of the Committee on Legal Affairs, has forwarded me your letter dated 24 January 2013.

In this letter you ask the Parliament to clarify its position in relation to its possible participation in the Consultation Committee, provided for in Council Decision of 23 June 1981, in its capacity as co-legislator.

The Council Decision predates the entry into force of the Treaty of Lisbon. At the time when it was adopted, the Council was the sole legislator, whereas Article 336 TFEU now provides that the European Parliament and the Council shall, acting by means of regulations in accordance with the ordinary legislative procedure, lay down the Staff Regulations of Officials of the European Union and the Conditions of Employment of other servants of the Union.

In your letter, you imply that, as a consequence, some modifications to the consultation procedure are necessary. I share your point of view, but not as far as Parliament is concerned.

The creation of the Consultation Committee in 1981 served the purpose of ensuring that the views of the staff were known to the representatives of the Member States before legislating and that the Council received information enabling it to take decisions in full knowledge of the relevant facts. However, with the entry into force of the Treaty of Lisbon, the Decision of 1981 has become if not obsolete, at least of a purely internal nature. Consequently, it is solely for the Council to adapt this social dialogue to take account of the new situation.

There is no way in which Parliament could involve itself in the Council Consultation Committee.

First of all, there is no legal basis in the Treaties, in the Staff Regulations, in Parliament's Rules of Procedure or anywhere else.

Second, there is no need to create one. The aim of listening to the views of staff representatives before legislating is achieved by more direct and flexible means in the Parliament. In this House discussions are public and information is easily available. The rapporteur, as well as the shadow rapporteurs for the revision of the Staff Regulations, held a constant dialogue with the Trade Unions and other stakeholders at all stages of the drafting and adoption of the report of the Committee on Legal Affairs. They still do and will continue to do so. Not long ago, Dagmar Roth-Behrendt, together with the Secretary General, the Head of my cabinet and the Director General of DG Personnel, addressed the General Meeting of Staff on the state of the Staff Regulations file. In that context, Mrs Roth-Behrendt replied in detail to all questions that were raised. The meeting was attended by members of the staff of this and other institutions, including the Council.

On behalf of Parliament, I would encourage you to put your energy into ensuring that this file is concluded to everybody's satisfaction as rapidly as possible under the ordinary legislative procedure.

Yours faithfully,



Martin Schulz

**CC: Klaus-Heiner Lehne, Chair of the Committee on Legal Affairs
Dagmar Roth-Behrendt, rapporteur**