



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 December 2012

17154/12

**Interinstitutional File:
2011/0455 (COD)**

LIMITE

**STAT 45
FIN 991
CODEC 2898**

COVER NOTE

from: General Secretariat of the Council
to: Delegations

No Cion prop.: 18638/11 STAT 52 FIN 1066 CODEC 2449

Subject: Letter from the Commission to the European Parliament and the Council in relation to the expiry of certain provisions of the Staff Regulations on 31st December 2012

Delegations will find attached a letter from Mr Maroš ŠEFČOVIČ, Vice-President of the European Commission to the European Parliament and to the Council, in relation to the expiry of certain provisions of the Staff Regulations on 31st December 2012.

MAROŠ ŠEFČOVIČ
VICE-PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 30 NOV. 2012
CL/gS Ares (2012) 1424248

Dear President Schulz,

Dear President Mavroyiannis,

As you know, the Commission submitted in December 2011 to the European Parliament and to the Council, a legislative proposal to modify the Staff Regulations for officials and other servants of the European Union. This proposal was inter alia justified by the fact that the method for annual adjustment of salaries and the special levy are both to expire on 31st December 2012. In response to the current economic situation in Europe, we have also proposed other changes that would generate significant savings on administrative expenditure. A new method and an increased levy were also proposed.

This legislative proposal was first brought to the attention of the Parliament and the Council in its draft form as early as June 2011 before being officially tabled on 13th December 2011. The Legal Affairs Committee of the European Parliament discussed the proposal and adopted a report on 25th April 2012.

Discussions at the Council did not lead to any conclusion so far and we now face a situation where, in the absence of a new legislative basis, the method and the levy will expire on 31st December 2012, thus leading to an increase in remuneration for a number of EU civil servants from January 2013. We should also remind you in this context that, in compliance with the current legal framework, we will submit to the Council the annual adjustment 2012 next week.

The Commission fully shares the Council Legal service opinion of 9 October 2012 that in the absence of the adoption of a new special levy, i.e. of an express legal basis, officials and other servants of the Union would every month be entitled from January 2013 onwards to receive their monthly remuneration without deduction of such a levy.

The failure of the Council to arrive on time to a position on the Commission proposal and to an agreement with the Parliament will result in salaries of EU officials and other agents being increased for this reason.

*Mr Martin SCHULZ
President of the European Parliament
Rue Wiertz 60
1047 Brussels*

*Mr Andreas MAVROYIANNIS
Chairman of the General Affairs Council
Council of the European Union
Rue de la Loi 175
1048 Brussels*

In an attempt to avoid this increase taking place under these circumstances, the Commission, that has actually proposed an increase of the levy, would like to draw your attention to this sensitive issue, that in our view can still be resolved if the co-legislators so wish.

This can be done by the co-legislators agreeing to adopt, on the basis of the Commission proposal of December 2011, a limited amendment to the Staff Regulations consisting of a sole article ensuring the continuation of the temporary system of the method and of the special levy for another year.

The Commission takes the political commitment to put forward again the proposal it made on 13 December 2011 in order to achieve the same objectives, including significant savings on administrative expenditure. This proposal would be identical to the proposal made on 13 December 2011, in order to ensure that work done so far by the co-legislators can be preserved and to limit procedural delays.

It goes without saying that the course of action proposed by the Commission would require a swift reaction on the part of the European Parliament and of the Council in order to have the new Regulation in place in due time.

Yours sincerely,



Maroš ŠEFČOVIČ