



EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

The FRA Staff Committee

## Rules of Procedure of the Staff Committee of the European Union Agency for Fundamental Rights

THE STAFF COMMITTEE OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS,

Having regard to the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Article 9, 10 and 10a of the Staff Regulations, and Article I of Annex II, concerning the Staff Committee

Having regard to the Council Decision (EC) No 168/2007 of 15 February 2007 establishing the European Union Agency for Fundamental Rights (hereinafter "the Agency")

Having regard to the Decision of the Executive Board of the FRA on 18 September 2009 (Decision 2009/1) setting up the Staff Committee and in particular Article 8 thereof

HAS ADOPTED THIS DECISION:

### **General Provisions**

#### *Art 1*

##### *Subject Matter*

These rules shall govern the operation of the Staff Committee of the Agency, hereinafter referred to as "Staff Committee" and "the Rules of Procedure of the Staff Committee".

### **Internal Organization**

#### *Art 2*

##### *Members of the Staff Committee*

Whereas the composition of the Staff Committee is defined in Article 5 of the Staff Committee Regulation, the members and alternate members have equal rights in any aspect of the work of the Staff Committee with the exception of voting rights. In this respect and with

this exception, references to members in the Rules of Procedure of the Staff Committee also include alternate members. When voting any issues, the voting rules apply.

### *Art 3*

#### *Chairmanship*

The chairperson shall chair the meetings of the Staff Committee and of the General Assembly. When the chairperson is absent, the vice-chairperson should act as chairperson or, if both the chairperson and the vice-chairperson are absent, the third full member of the Committee should act as chairperson.

## **Decision Making and Working Procedures**

### *Art 4*

#### *Meetings of the Staff Committee*

1. Staff Committee meetings shall be convened by the chairperson through electronic communication, on his/her initiative, or at the request of two member of the Staff Committee.
2. Notices of meetings shall state the day, time and place thereof and contain the draft agenda. Except in the case of urgency, they shall be sent to all members of the Staff Committee and, if designated, the observer(s) representing the Seconded National Experts, at least two days before the date of the meeting.
3. Urgent meetings may be convened without prior notice by the chairperson or at the request of two members.
4. All members of the Staff Committee shall be invited to a Staff Committee meeting.

### *Art 5*

#### *Meetings with the Director, internal bodies of the FRA, AASC and other bodies*

1. Whereas the frequency of meetings with the Director is set in Article 8 of the Staff Committee Regulation, the Staff Committee is aiming to meet the Director 5 times a year.  
  
The Staff Committee shall also meet the other bodies of the Agency, AASC and other external bodies, institutions, personalities, decision makers, when it deems it to be necessary for the benefit of the Staff of the Agency.
2. The Staff Committee shall decide who participates on behalf of the Staff Committee in any such meeting depending on the agenda.

#### *Art 6*

##### *Quorum*

Meetings of the Staff Committee shall be competent to transact business only when convened according to Art 4 and when at least either three full members or two out of three of its full members and at least one alternate member are present. If this minimum quorum is not reached, the meeting shall be reconvened by means of a letter or email sent to all the members in accordance with the rules of procedure.

#### *Art 7*

##### *Voting*

1. The Staff Committee shall work on the basis of consensus.
2. In the event that no consensus could be reached the Staff Committee shall proceed to a formal voting after having heard the arguments from all Staff Committee members present.
3. Decisions shall be taken by a majority of full members or alternate members replacing full members present as foreseen under subparagraph 6 below.
4. The Committee shall vote by a show of hands. However, if one of its members so request, voting shall be by secret ballot. Abstentions shall not be counted as votes cast. In the event of a tie the motion shall be withdrawn.
5. The observer(s) designated to represent the Seconded National Experts of the Agency shall have no vote but shall be duly heard in all matters affecting, directly or indirectly, the Seconded National Experts.
6. Each full member will be replaced by an alternate member when the former is unavailable in the order of the votes they received in the staff committee election.
7. Voting can also take place by written procedure following the same principles.

#### *Art 8*

##### *Agenda*

1. The agenda for the meeting shall be drawn up by the Chairperson. Any member of the Staff Committee and observer(s) designated to represent the Seconded National Experts may request inclusion of an item on the agenda.
2. The agenda shall be adopted by the Committee at the beginning of each meeting; additional items may be included on the agenda with the consent of the majority of the persons present.

#### *Art 9*

##### *Consultation of the Staff Committee*

1. Whereas the Staff Committee tasks and consultation are respectively set in Articles 4 and 9 of the Staff Committee Regulation, when consulted by the Director, the Staff Committee shall acknowledge reception as soon as possible and decide in a meeting or through an email exchange whom of its member(s) will have a first analysis of the

subject matter. In case of no volunteers, the Chairperson will be in charge of the analysis.

If additional time is required and/or additional information is necessary to provide an opinion, the Staff Committee shall notify the Director prior the extension of the 15 working days set in the aforementioned article 9.

As a general principle all consultations from the Director shall be subject of a staff notice to "FRA all" and/or an upload on the Staff Committees website. If a web upload is not possible within next 2 working days, an email dispatch to "FRA all" with the necessary documentation should be organised. The Staff notification shall include a résumé of the main issues allowing the Staff to understand the issues being discussed.

The Staff Committee opinion to the Director shall include all inputs provided by the Staff as well as the inputs of the Staff Committee. It shall be uploaded on the web site and notified to the Staff via email.

2. When the Staff Committee receives a request from a member of staff, it shall acknowledge the receipt as soon as possible and give an indication about the follow up by the staff committee.
3. Any communication by or on behalf of the management to the Staff Committee shall be addressed to the Staff Committee and notified to the Staff Committee's mailbox. Any Staff Committee member who becomes aware of any communication addressed to the Staff Committee shall promptly alert the other members of the Staff Committee.

#### *Art 10*

##### *Working Methods*

1. Besides the transparency, information and communication duties, which are part of the role of the Staff Committee, the principles of confidentiality and discretion govern the work of the Staff Committee and are applicable to all Staff Committee members.
2. The Committee shall decide on case per case basis on the appropriate method to work on the topics for which it is responsible. The working methods will include the possibility to delegate its power of decision-making to a sub-committee or to one of its full or alternate members as the case may be, the possibility to work by written procedure or any other procedure decided by the Staff Committee.
3. Committee members shall represent the Committee on any matter relating to the field for which they have been delegated by the Staff Committee. Members shall not, however, take any decision on behalf of the Staff Committee if this has not been previously discussed and/or delegated by the Staff Committee.
4. Any external communication sent by or on behalf of the Staff Committee shall be approved by the Staff Committee or based on a delegation of the Staff Committee.
5. The Committee may delegate some tasks attributed to them to some members of the Staff.
6. Staff Committee members working on a specific matter or file are encouraged to seek the constructive input of other members, as well as to explore sources within and outside the Agency.

7. All members of the Staff Committee shall be jointly responsible for the Staff Committee decisions.
8. The Staff Committee is bound in all its actions to respect the requirements of confidentiality of information received in the line of duty according to applicable provisions of the Staff Regulations.
9. The Staff Committee will organize periodically a plenary meeting of all staff where it will give a report of its past activities and of its meetings with the Director, as well as a proposal for its action plan for the forthcoming period. The plenary meeting will give the staff members the opportunity to ask questions and present proposals to the Staff Committee. This meeting will take place typically at least once a year.

#### *Art 11*

##### *Participation in recruitment*

1. The Staff Committee representative will participate in the recruitment procedures with the role of observer. The Staff Committee role is to ensure that the recruitment proceeds respecting the principles of equal treatment and fairness.
2. A majority of the voting members, after consultation of the staff, can at any time decide that the Staff Committee will participate in recruitment procedures as a voting member.
3. The Staff Committee members will ensure a rotation as appointed representatives, in order to balance the workload, and can also appoint non-members of the Staff Committee to act on its behalf.
4. In case the Staff Committee representative has concerns about fairness or equal treatment in the selection procedure, he/she will request that this is noted in the minutes, and will report to the other members of the Staff Committee, respecting the principles of confidentiality. The Staff Committee may decide, by a majority vote, to address the members of the panel, the head of HRP or the Director and, depending on the gravity, may request a meeting to discuss the issue.
5. The Staff Committee shall wait for a response for 15 calendar days. After that time it may inform the staff, including the response from the management if available, either through the intranet or via email, depending on the gravity of the situation, and respecting again the principle of confidentiality.

#### *Art 12*

##### *Minutes and Reports*

1. After each meeting of the Staff Committee, minutes shall be drawn up setting out the action points adopted. Any objections must be conveyed to the chairperson. If needed the Staff Committee shall vote on any objections and/or the contentious questions at its following meeting.
2. Adoption of the minutes shall be recorded in the minutes of the following meeting.

3. Any member delegated to represent the Committee outside or inside the Agency shall submit a written report to the Committee as promptly as possible, and in any case within 5 working days.
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### *Art 13*

#### *Budget and Resources*

1. The Director, upon request from the Staff Committee, may include the budget allocation for the functioning of the Staff Committee within the annual budget.
2. The Staff Committee may propose, for the approval of the Director, a yearly budget estimation and an action plan with its priorities.
3. For the commitment of the expenditure attributed to the Staff Committee, the members shall be assisted by the responsible services of the administration. The authorising officer, initiating and verification agent of this expenditure shall be appointed by the Director. The initiating and verification budget expenditure role for this budget shall be attributed to the delegated member(s) of the Staff Committee.
4. Missions carried out by the members of the Staff Committee, in the exercise of their duties, shall be reimbursed according to the normal rules applied within the Agency. The authorisation shall be provided in accordance to the Agency's internal rules.
5. The Staff Committee shall be entitled to make use, in accordance with the conditions in force, of the Agency's facilities (fax, telephone, etc.), for purposes of performing its functions and informing the staff on matters concerning its activities.

### *Art 14*

#### *Amendments to the Rules*

Without prejudice to Article 7, these rules of procedure may be amended by the Committee by simple majority of the full members present.

### *Art 15*

#### *Final provision*

1. These rules shall be notified to the Director. They shall also be notified to the staff of the Agency.
2. These rules will be effective as from the date of their adoption by the Staff Committee.

**Done in Vienna on September 13, 2012**

On behalf of the Staff Committee.