



**COUNCIL OF
THE EUROPEAN UNION**

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**STAT 42
FIN 818**

NOTE

From	General Secretariat of the Council
To	Delegations
No. prev. doc.:	12919/11 STAT 34 FIN 529 15955/11 STAT 41 FIN 776
Subject:	Council request on the exception clause (Article 10 Annex XI to the Staff Regulations)

On 13 July, the Commission sent to the Council the "report on the exception clause (Article 10 of Annex XI to the Staff Regulations)". The Secretariat of the Council forwarded it to delegations on 14 July 2011 (12919/11 STAT 34 FIN 529).

At the Working Party on the Staff Regulations meeting on 13 July 2011, the Commission presented the report. On 14 September and 12 October 2011, the Working Party on the Staff Regulations examined the report and discussed possible reactions of the Council on the conclusions drawn by the Commission in the report. Due to the legal and political impact that a Council reaction on the report could have, guidance was needed from the Permanent Representatives Committee (15955/11 STAT 41 FIN 776).

At the Permanent Representatives Committee meeting on 28 October, an overwhelming majority of delegations agreed to address a request based on Article 241 of the TFEU to the Commission, worded as shown in the Annex. At the same meeting, the Permanent Representatives Committee decided to adopt the Council request on the exception clause (Article 10 Annex XI to the Staff Regulations) by written procedure.

The Council is convinced that the financial and economic crisis currently taking place within the EU and resulting in substantial fiscal adjustments in most Member States constitutes a serious and sudden deterioration of the economic and social situation within the EU.

In this particular and exceptional context, and in the light of objective data reflecting the economic and social situation in autumn 2011, the Council requests the Commission, in conformity with Article 241 TFEU, to implement Article 10 of Annex XI of the Staff Regulations and to submit an appropriate remuneration adjustment proposal in good time to allow the European Parliament and the Council to examine and adopt it before the end of 2011.
