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Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/025 IT/Lombardia from Italy)

EXPLANATORY MEMORANDUM

Point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management¹ allows for the mobilisation of the European Globalisation Adjustment Fund (EGF) through a flexibility mechanism, within the annual ceiling of EUR 500 million over and above the relevant headings of the financial framework.

The rules applicable to the contributions from the EGF are laid down in Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund².

On 30 December 2011, Italy submitted application EGF/2011/025 IT/Lombardia for a financial contribution from the EGF, following redundancies in two enterprises operating in the NACE Revision 2 Division 26 ('Manufacture of computer, electronic and optical products')³ in the NUTS II region of Lombardia (ITC4) in Italy.

After a thorough examination of this application, the Commission has concluded in accordance with Article 10 of Regulation (EC) No 1927/2006 that the conditions for a financial contribution under this Regulation are met.

SUMMARY OF THE APPLICATION AND ANALYSIS

Key data:	
EGF Reference no.	EGF/2011/025
Member State	Italy
Article 2	(b)
Enterprises concerned	2
NUTS II region	Lombardia (ITC4)
NACE Revision 2 Division	26 ('Manufacture of computer, electronic and optical products')
Reference period	20.3.2011 – 20.12.2011
Starting date for the personalised services	1.3.2012
Application date	30.12.2011
Redundancies during the reference period	529
Redundant workers targeted for support	480
Expenditure for personalised services (EUR)	1 687 200
Expenditure for implementing EGF ⁴ (EUR)	105 000
Expenditure for implementing EGF (%)	5,9
Total budget (EUR)	1 792 200
EGF contribution (65 %) (EUR)	1 164 930

1. The application was presented to the Commission on 30 December 2011 and supplemented by additional information up to 12 March 2013.

¹ OJ C 139, 14.6.2006, p. 1.

² OJ L 406, 30.12.2006, p. 1.

³ Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).

⁴ In accordance with the third paragraph of Article 3 of Regulation (EC) No 1927/2006.

2. The application meets the conditions for deploying the EGF as set out in Article 2(b) of Regulation (EC) No 1927/2006, and was submitted within the deadline of 10 weeks referred to in Article 5 of that Regulation.

Link between the redundancies and major structural changes in world trade patterns due to globalisation or the global financial and economic crisis

3. In order to establish the link between the redundancies and the global financial and economic crisis, Italy argues that the decreased ICT demand and investment by both consumers and enterprises caused by the crisis contributed significantly to the slow-down in the Italian ICT and electronic components sector (Nace 26)⁵ from 2009 onwards⁶.
4. According to the Italian authorities, the ICT sector in Italy had done rather well in the period from 2005 to 2008 achieving a reasonable level of economic activity, in particular when compared to other sectors of the Italian economy, and this despite strong competition from ICT companies in countries with low production costs over the past decade (see next point). As a result of the crisis, however, the positive trend of the years up to 2008 was reversed, showing negative growth rates in the various ICT branches - example IT branch: – 9,% in 2009, – 2.5% in 2010, – 4.1% in 2011 (negative growth rates in comparison to the respective previous years).
5. According to Assinform, the Italian ICT sector has been suffering from strong competition from low-cost countries over the past decade, and the need to reorganise the sector because of the rapid emergence of new technologies, such as cloud computing, various types of e-services, social networks, etc., has been recognised as a challenge for some years. The digital gap between Italy and leading European countries as well as other countries in the world has further widened because of the economic slow-down caused by the crisis. All these developments have led to the downsizing of ICT personnel in Italian enterprises in the years from 2009 onwards.
6. The strong decline of the ICT sector in Italy as a result of the crisis hit also the two enterprises which are the object of this proposal: Anovo Italia S.p.A. (Varese province) and Jabil CM S.r.l. (Milano province). Their already difficult situation was further exacerbated, and their conversion and re-organisation efforts undertaken in the past years failed, leading eventually to their closure and the dismissal of the workers.
7. In its assessment on the applications EGF/2011/016 IT Agile (Nace 62)⁷ and EGF/2010/012 NL Noord Holland ICT (Nace 46)⁸, the Commission has already

⁵ The Nace 26 sector includes a variety of activities, including manufacture of computer and electronic products, of optical and electrical appliances, measuring instruments, watches and clocks as well as service activities related to the production of software, consultancy and related activities.

⁶ Sources quoted by Italy: Assinform – Italian Association of Information & Communications Technologies (www.assinform.it); 2009 report of Osservatorio ICT & PMI della School of Management del Politecnico di Milano (www.osservatori.net); ISTAT (<http://www.istat.it>).

⁷ COM(2013) 120 final.

⁸ COM(2010) 685 final.

stated the impact of the economic and financial crisis on the enterprises operating in the ICT sector. These arguments continue to be valid.⁹

Demonstration of the number of redundancies and compliance with the criteria of Article 2(b)

8. Italy submitted this application under the intervention criteria of Article 2(b) of Regulation (EC) No 1927/2006, which requires at least 500 redundancies over a nine-month period in enterprises operating in the same NACE Revision 2 Division in one region or two contiguous regions at NUTS II level in a Member State.
9. The application cites 529 redundancies in 2 enterprises operating in the NACE Revision 2 Division 26 ('Manufacture of computer, electronic and optical products') in the NUTS II region of Lombardia (ITC4) during the nine-month reference period from 20 March 2011 to 20 December 2011. The 322 redundancies in Jabil CM S.r.l. were calculated in accordance with the first indent of the second paragraph of Article 2 of Regulation (EC) No 1927/2006 (fax letters laying off the workers were sent by the employer on 28 September 2011). The 207 redundancies in Anovo Italia S.p.A. were calculated in accordance with the third indent of the second paragraph of Article 2 of Regulation (EC) No 1927/2006. The Commission on 29 January 2013 received the confirmation required under Article 2(2) of the EGF Regulation that the 207 individuals reported under the third indent have actually been made redundant.

Explanation of the unforeseen nature of those redundancies

10. According to the Italian authorities, the redundancies in the two enterprises concerned by this application, Anovo Italia S.p.A. and Jabil CM S.r.l., were unforeseen: the financial and economic crisis had a severe impact on both enterprises leading to the failure of all conversion and re-organisation efforts undertaken by them during the past years and finally to the dismissal of all workers: Anovo Italia S.p.A. went bankrupt (15.12.2011), and Jabil CM S.r.l. closed down after having discontinued all activities (announcement of the closure and dismissal of the workers: 28 September 2011; end of social partner negotiations, without agreement: 13 December 2011, after which the dismissed workers occupied the Jabil premises).

Identification of the dismissing enterprises and workers targeted for assistance

11. The application relates to 529 redundancies (480 of whom are targeted for assistance) in two enterprises:

Jabil CM S.r.l. (Cassina de Pecchi, Milano province) 322

Anovo Italia S.p.A. (Saranno, Varese province) 207

Jabil CM S.r.l., was established in 2007 from a former Nokia Siemens business unit, and specialised in the production, assembly and repair of circuit boards for telecom devices (Nace 26.1). The ownership of this enterprise changed several times in recent years, the last owner being the US group 'Competence Mercatech' (since 2010).

⁹ More information on the EGF applications by sector can be found in the EGF Statistical Portrait 2007-2011 and in subsequent updates, available on <http://ec.europa.eu/egf>.

Anovo Italia S.p.A belonged to the French multinational group Anovo S.A¹⁰ and was operating on the Italian market from 1998 until their bankruptcy on 15.12.2011. Anovo Italia S.p.A. specialised in the design and delivery of integrated IT related activities, in particular the manufacture of electronic components (Nace 26.1).

12. The break-down of the targeted workers is as follows:

Category	Number	Percent
Men	290	60.4
Women	190	39.6
EU citizens	473	98.5
Non EU citizens	7	1.5
15-24 years old	0	0.0
25-54 years old	450	93.8
55-64 years old	22	4.6
> 64 years old	8	1.6

13. None of the workers has a longstanding health problem or disability.

14. In terms of occupational categories, the break-down is as follows:

Category	Number	Percent
Technicians and associate professionals (ISCO 3)	37	7,7
Support workers/clerks (ISCO 4)	57	11,9
Craft and related trades workers (ISCO 7)	153	31,9
Plant/ machine operators & assemblers (ISCO 8)	233	48,5

15. In accordance with Article 7 of Regulation (EC) No 1927/2006, Italy has confirmed that a policy of equality between women and men as well as non-discrimination has been applied, and will continue to apply, during the various stages of the implementation of and, in particular, in access to the EGF.

Description of the territory concerned and its authorities and stakeholders

16. The territory concerned is Lombardia¹¹, which with nearly 10 million inhabitants is the most populated of Italy's 20 regions, and more specifically the Varese and Milano provinces.



17. The responsible authorities are at national level the Ministry of Labour and Social Policy, and at regional level the Region of Lombardia (Direzione Generale

¹⁰ Founded in 1987, Anovo S.A. operated some 20 offices throughout Europe, as well as in South and Central America. The French enterprise went into liquidation in 2011.

¹¹ NUTS II region in the North of Italy (regional capital: Milano)

Istruzione, Formazione e Lavoro), Milano. Stakeholders at employer side are the following associations: CLAAI (Federazione Regionale Lombarda delle Associazioni Artigiane), CNA Lombardia (Confederazione Nazionale dell'Artigianato e delle piccole e medie imprese), Confapindustria Lombardia, Confartigianato Lombardia, Confcommercio Lombardia-Imprese per l'Italia, Confcooperative Lombardia. Stakeholders representing the workers: CGIL (Confederazione generale italiana del lavoro), CISL (Confederazione italiana sindacati lavoratori), UIL (Unione italiana del lavoro), CISAL (Confederazione Italiana Sindacati Autonomi Lavoratori).

Expected impact of the redundancies as regards local, regional or national employment

18. Lombardia is Italy's most prosperous region, with a large economic diversity¹² which is sustained by a large number of small and medium sized enterprises, but also some large industrial groups. About a fifth of Italy's GDP is produced in this region. However, as the manufacturing sectors are in decline, the region needs to tackle major structural challenges, and, as elsewhere, the global financial and economic crisis has aggravated the economic and labour market situation. The Italian authorities indicated that Lombardia's industrial production contracted in 2009 by 9.4%, and that the effects on the labour market were felt as a direct consequence: total employment fell by 1.2% in 2009 and by 0.7% in 2010 (when a fragile recovery was noted). According to Istat, the unemployment rate in Lombardia has been increasing since 2008: 3,7 % in 2008, 5,4 % in 2009, 5,6 % in 2010, 5,8 % in 2011 and 7,5 % in 2012.¹³
19. In order to limit the impact of the economic and financial crisis on the people working in Lombardia's ICT sector, extensive use was made of social safety nets, such as the wage compensation fund (CIG), a long-established instrument under Italian law which can, when adverse circumstances require this, provide financial benefits to workers in compensation of salary payments. Italy provided the table below to illustrate the increased use of this shock absorber scheme since the start of the crisis: In 2009, the number of hours authorised by the authorities was almost eight times higher than the number authorised in 2008, reflecting the difficulties of the sector.

*Total CIG hours authorised in Lombardia's ICT sector (Nace 26)
Source: INPS (Istituto Nazionale della Previdenza Sociale)*

Total hours	2005	2006	2007	2008	2009	2010
	3.025.840	2.261.676	2.541.117	2.049.268	16.003.158	15.145.734

20. According to the Italian authorities, in particular the industrial district Distretto Tecnologico di Milano (Vimercatese), where the 322 redundancies of Jabil CM S.r.l. occurred, is in severe crisis. At national, regional and local levels, Italy

¹² Includes manufacturing sectors, such as mechanics, electro, metal, chemical, food, as well as services sectors, such as banking, transport, communication.

¹³

http://www.bancaditalia.it/pubblicazioni/econo/ecore/2010/analisi_s_r/1046_lombardia/Lombardia_2009.pdf; <http://www.istat.it/it/lombardia>

endeavours to redevelop and sustain this district in terms of economic volume and labour. The EGF co-funded measures will support the Italian authorities in these development and transformation efforts.

21. At NUTS II level, Lombardia was also affected by another mass redundancy event for which an EGF application was submitted to the Commission: 1 816 redundancies in 190 enterprises in the textile sector in 2006/2007¹⁴.

Co-ordinated package of personalised services to be funded and a breakdown of its estimated costs, including its complementarity with actions funded by the Structural Funds

22. The following types of measures are proposed, all of which combine to form a coordinated package of personalised services aimed at re-integrating the 480 targeted workers into employment. The Italian authorities specified that any training and re-skilling which may be necessary for the workers to prepare for a successful re-integration on the labour market will be financed through regional sources (hence, expenses for training and re-skilling are not to be co-financed by the EGF).

- Admission and access to the assistance package (*accoglienza e accesso al servizio di assistenza*): Information and administrative services for the dismissed workers, including the signing of service agreements.
- Interview techniques (*colloquio specialistico*): This includes in-depth interviews with the workers to identify their current profiles, the identification of possible reinsertion pathways and assistance in job application techniques (CV updating).
- Profiling of skills (*bilancio di competenze*): Set of targeted tools to analyse each worker's occupational and social experiences and to bring to light any useful competence and knowledge, considering also the workers' own ambitions and wishes.
- Pathway definition (*definizione del percorso*): Establishment of a personalised professional pathway plan laying down each worker's individual training and development needs. The plan is signed by the worker and the assistance provider, in agreement of the respective commitments.
- Monitoring, coordination and management of the personal intervention plan (*monitoraggio, coordinamento e gestione del piano di intervento personalizzato*): This involves the follow-up and the monitoring of the personalised support according to the agreed pathway plan. The agreed measures can be adjusted if required.
- Tutoring and occupational guidance (*tutoring e counselling orientativo*): This includes advice on labour market mechanisms,

¹⁴ EGF/2007/007 IT/Lombardia, OJ L 330, 9.12.2008.

help with the preparation for job applications and the accompaniment to job interviews.

- Exploration of job opportunities with new employers (*scouting aziendale*): This includes researching local and regional employment opportunities, contacts with potential employers, help with the assessment of job offers, support through the selection process.
- Matching of skills and jobs (*preselezione e incontro domanda offerta*): This aims to match labour market demand and workers' skills with the help of specialised databases. The workers receive tailor-made guidance regarding job vacancies and are helped in the process of applying for a new post. The advisors further facilitate the workers' contacts with the potential employers and provide support until a work contract is signed.
- Mentoring during the first phase of a new employment (*accompagnamento al lavoro*): The purpose of this measure is to support the sustainability of a new employment: the worker and the new employer receive support in the form of mentoring during the first phase of a work placement. A placement report is signed by the worker to help ensure a successful re-integration. The Italian authorities have budgeted this measure for all targeted workers, which reflects the importance attached by them to promoting the sustainability of new work contracts.
- Advice and support towards self-employment (*consulenza e supporto all'autoimprenditorialità*): This consists of a set of targeted actions to analyse the workers' suitability/attitude towards self-employment and business creation, the establishment of a business plan, advice related to the practical issues of a start-up, the identification of funding opportunities.
- Tutoring and support during traineeship (*tutoring e accompagnamento al tirocinio*): Support of workers and potential new employers during a traineeship.

23. The expenditure for implementing the EGF, which is included in the application in accordance with Article 3 of Regulation (EC) No 1927/2006, covers preparatory, management and control activities as well as information and publicity.
24. The personalised services presented by the Italian authorities are active labour market measures within the eligible actions defined by Article 3 of Regulation (EC) No 1927/2006. The Italian authorities estimate the total costs of these services at EUR 1 687 200 and the expenditure for implementing the EGF at EUR 105 000 (5,9 % of the total amount). The total contribution requested from the EGF is EUR 1 164 930 (65 % of the total costs).

Actions	Estimated number of workers targeted	Estimated cost per worker targeted (EUR)	Total costs (EGF and national cofinancing) (EUR)
Personalised services (first paragraph of Article 3 of Regulation (EC) No 1927/2006)			
Admission and access to the assistance package (<i>Accoglienza e accesso al servizio di assistenza</i>)	480	33	15 840
Interview techniques (<i>Colloquio specialistico</i>)	480	66	31 680
Profiling of skills (<i>bilancio di competenze</i>)	480	330	158 400
Pathway definition (<i>definizione del percorso</i>)	480	78	37 440
Monitoring, coordination and management of the personal intervention plan (<i>monitoraggio, coordinamento e gestione del piano di intervento personalizzato</i>)	480	216	103 680
Tutoring and occupational guidance (<i>tutoring e counselling orientativo</i>)	480	155	74 400
Exploration of job opportunities with new employers (<i>scouting aziendale</i>)	480	648	311 040
Matching of skills and jobs (<i>Preselezione e incontro domanda offerta</i>)	480	693	332 640
Mentoring during the first phase of a new employment (<i>accompagnamento al lavoro</i>)	480	528	253 440
Advice and support towards self-employment (<i>Consulenza e supporto all'autoimprenditorialità</i>)	273	768	209 664
Tutoring and support during a traineeship (<i>Tutoring e accompagnamento al tirocinio</i>)	207	768	158 976
Sub total personalised services			1 687 200
Expenditure for implementing EGF (third paragraph of Article 3 of Regulation (EC) No 1927/2006)			
Preparatory activities			15 000

Management		40 000
Information and publicity		15 000
Control activities		35 000
Sub total expenditure for implementing EGF		105 000
Total estimated costs		1 792 200
<i>EGF contribution (65 % of total costs)</i>		<i>1 164 930</i>

25. Italy confirms that the measures described above are complementary with actions funded by the Structural Funds and that any double financing will be prevented. Some of the EGF co-funded measure, e.g. in the area of entrepreneurship promotion, could not be financed under the European Social Fund (ESF).

Date(s) on which the personalised services to the affected workers were started or are planned to start

26. Italy started the personalised services to the affected workers included in the co-ordinated package proposed for co-financing to the EGF on 1 March 2012. This date therefore represents the beginning of the period of eligibility for any assistance that might be awarded from the EGF.

Procedures for consulting the social partners

27. According to the Italian authorities, discussions with the social partners took place on various occasions at regional level, including the following events. 3 February 2012: Agenzia Regionale Istruzione, Formazione e Lavoro (ARIFEL) met representatives from employer and worker sides to discuss the possibility of creating a 'social enterprise' working group for the workers of Anovo Italia S.p.A (resulting in no agreement); 15 February 2012: meeting of the region's 'crisis core group' (Note Verbale¹⁵); 17 February 2012: meeting of a regional ICT round table with representatives from employer and worker sides and Regione Lombardia (Note Verbale¹⁶).
28. The Italian authorities confirmed that the requirements laid down in national and EU legislation concerning collective redundancies have been complied with.

Information on actions that are mandatory by virtue of national law or pursuant to collective agreements

29. As regards the criteria contained in Article 6 of Regulation (EC) No 1927/2006, the Italian authorities in their application:

¹⁵ <https://arifl.box.com/s/d9994b938ecb153700d7>

¹⁶ <https://arifl.box.com/s/ea34733bb72d514b5404>

- confirmed that the financial contribution from the EGF does not replace measures which are the responsibility of companies by virtue of national law or collective agreements;
- demonstrated that the actions provide support for individual workers and are not to be used for restructuring companies or sectors;
- confirmed that the eligible actions referred to above do not receive assistance from other EU financial instruments.

Management and control systems

30. Italy has notified the Commission that the financial contribution will be managed at national level by Ministero del Lavoro e delle Politiche Sociali/Direzione Generale per le Politiche Attive e Passive del Lavoro (MLPS – DG PAPL). MLPS – DG PAPL Ufficio A is acting as managing authority; MLPS – DG PAPL Ufficio B as certifying authority and MLPS – DG PAPL Ufficio C as audit authority. Regione Lombardia will be the intermediate body for the managing authority at regional level. Italy has described in its EGF application (part I) a detailed management and control system specifying the respective responsibilities of the actors involved at national and regional levels.

Financing

31. On the basis of the application from Italy, the proposed contribution from the EGF to the coordinated package of personalised services (including expenditure to implement EGF) is EUR 1 164 930, representing 65 % of the total cost. The Commission's proposed allocation under the Fund is based on the information made available by Italy.
32. Considering the maximum possible amount of a financial contribution from the EGF under Article 10(1) of Regulation (EC) No 1927/2006, as well as the scope for reallocating appropriations, the Commission proposes to mobilise the EGF for the total amount referred to above, to be allocated under heading 1a of the financial framework.
33. The proposed amount of financial contribution will leave more than 25 % of the maximum annual amount earmarked for the EGF available for allocations during the last four months of the year, as required by Article 12(6) of Regulation (EC) No 1927/2006.
34. By presenting this proposal to mobilise the EGF, the Commission initiates the simplified dialogue procedure, as required by Point 28 of the Interinstitutional Agreement of 17 May 2006, with a view to securing the agreement of the two arms of the budgetary authority on the need to use the EGF and the amount required. The Commission invites the first of the two arms of the budgetary authority that reaches agreement on the draft mobilisation proposal, at appropriate political level, to inform the other arm and the Commission of its intentions. In case of disagreement by either of the two arms of the budgetary authority, a formal dialogue meeting will be convened.

35. The Commission presents separately a transfer request in order to enter in the 2013 budget specific commitment appropriations, as required in Point 28 of the Interinstitutional Agreement of 17 May 2006.

Source of payment appropriations

36. Appropriations allocated to the EGF budget line in the 2013 budget will be used to cover the amount of EUR 1 164 930 needed for the present application.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management¹⁷, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund¹⁸, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission¹⁹,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to 30 December 2011 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Italy submitted an application to mobilise the EGF, in respect of redundancies in 2 enterprises operating in the NACE Revision 2 Division 26 ('Manufacture of computer, electronic and optical products') in the NUTS II region of Lombardia (ITC4), on 30 December 2011 and supplemented it by additional information up to

¹⁷ OJ C 139, 14.6.2006, p. 1.

¹⁸ OJ L 406, 30.12.2006, p. 1.

¹⁹ OJ C [...], [...], p. [...].

12 March 2013. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission, therefore, proposes to mobilise an amount of EUR 1 164 930.

- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Italy,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2013, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 1 164 930 in commitment and payment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels,

For the European Parliament
The President

For the Council
The President