EC Staff Regulations: Conditions of Employment of Other Servants (CEOS); parliamentary assistants (amend. Regulation (EEC, Euratom, ECSC) No 259/68)

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The Legal Affairs Committee adopted a report drafted by Giuseppe **GARGANI** (EPP-ED, IT), and amended the proposal for a Council regulation amending the Conditions of employment of other servants of the European Communities. In general terms, Members wanted to emphasise the relationship of mutual trust which exists between a Member and parliamentary assistant. The amendments place greater emphasis on the difference between local assistants and accredited parliamentary assistants, and bring the terms used when referring to assistants in the proposal into line with those used in the Statute for Members implementing measures, namely 'local assistants' and 'accredited parliamentary assistants'.

The main amendments – made in the framework of the consultation procedure – are as follows :

Specific nature of parliamentary assistants: assistants will be the subject of special arrangements coming under the Staff Regulations, and more specifically the Conditions of Employment of other servants of the European Communities (CEOS). The proposal for a regulation is of an exceptional nature, and the amendments adopted by the Committee on Legal Affairs seek to ensure that the arrangements for other servants and those for accredited assistants are compatible with each other and that there is no cross-over between two sets of rules, since the highly specific nature of the relationship of mutual trust between a Member and his or her assistant(s) must be duly taken into account and emphasised throughout the proposal. A recital emphasises that the Conditions of Employment for other servants is amended to include this new category, taking account, on the one hand, of the specific nature of the duties, functions and responsibilities of accredited parliamentary assistants, which are designed to allow them to provide direct assistance to Members of the European Parliament in the exercise of their duties as Members of the European Parliament under their direction and authority, and, on the other, of the particular relationship between those accredited parliamentary assistants and the administration of the Parliament. Where provisions of the Conditions of employment of other servants have to be applied to such assistants, even by analogy, those factors must be taken into account.

Definition: the term "parliamentary assistants" is changed to "accredited parliamentary assistants". The latter are defined as persons chosen by one or more Members and engaged by way of direct contract by the European Parliament to provide direct assistance in the premises of the European Parliament at one of its three places of work to the Member or Members in the exercise of their functions as Members of the European Parliament under their direction and authority and in a relationship of mutual trust.

Mutual trust: the committee makes clear that the nature of Articles 11 to 26a of the Staff Regulations is such that they can only be applied to accredited parliamentary assistants, even by analogy, having strict regard to their functions and duties and the relationship of trust existing between them and the Member or Members whom they assist. Similarly, Article 1e of the Staff Regulations, on measures of a social nature and working conditions, shall apply by analogy, provided that such measures are compatible with the particular nature of the tasks and responsibilities taken on by accredited parliamentary assistants. The arrangements relating to the autonomous representation of accredited parliamentary assistants shall be laid down by the implementing measures. Article 1d of the Staff Regulations must apply by analogy, take into account the relationship of mutual trust between the Member of the European Parliament and his

accredited parliamentary assistant or assistants, it being understood that Members of the European Parliament may base their selection of accredited parliamentary assistants also on **political affinity**.

Grades: a new clause states that the accredited parliamentary assistant shall be classified by grade in accordance with the indication given by the Member or Members whom the assistant will support in their parliamentary activities. For classification in grades 14-18, accredited parliamentary assistants shall be required, as a minimum, to have completed a course of study leading to the award of a university degree and/or have equivalent professional experience.

Salary: Members amended the salaries for each graded in the Annex.

Budget: accredited parliamentary assistants shall not be assigned to a post included in the list of posts appended to the section of the budget relating to the European Parliament. Their remuneration shall be financed under the appropriate budget heading and they shall be paid from the total appropriations allocated to the section of the budget relating to the European Parliament.

Duration: the contracts of accredited parliamentary assistants shall be concluded for a fixed period and shall specify the grade in which the assistant is classified. A fixed-term contract shall not be extended more than twice during a parliamentary term. Unless otherwise specified in the contract itself, the contract shall terminate at the end of the parliamentary term during which it was concluded.

Union representation: parliamentary assistants have statutory representation outside the system that applies to officials and other staff who are not accredited parliamentary assistants. Their association(s) should act as their interlocutor vis-à-vis the competent authority of the European Parliament as regards their legal status and terms of employment.

Report: the European Parliament shall, no later than 31 December 2011, submit a report on the application of the Regulation in order to examine the possible need to adapt the rules applying to parliamentary assistants.

Lastly, the committee deleted the clause stating that parliamentary assistant shall serve a probationary period of three months, and also deleted the terms on dismissal, stating that the provision constitutes unnecessary duplication having regard to the provisions on termination of employment.