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

2008/0224(CNS) - 13/11/2008 - Legislative proposal

PURPOSE: to introduce in the Conditions of Employment of Other Servants (CEOS) provisions covering the assistants to Members of the European Parliament (MEPs).

PROPOSED ACT: Council Regulation.

BACKGROUND: the current system of engaging of assistants to MEPs, which is based entirely on private law contractual arrangements, seems to be no longer compatible with the size and complexity of a Parliament composed of MEPs from 27 Member States. It puts a very heavy administrative burden both on Parliament's administration and on individual MEPs. Apart from this administrative burden, the application of 27 different tax and social security systems to persons working between Brussels, Strasbourg, Luxembourg and other parts of Europe results in numerous constraints concerning the position of MEPs' assistants.

In 2000, in the context of the Commission proposal of 19 May 1998 (see CNS/1998/0176) the Council declared that it was fully aware of the need to regulate the conditions of employment of parliamentary assistants and to improve their current situation. To that end, the Council pointed out that, when examining the draft Statute for Members of the European Parliament, it adopted principles which it regards as essential in that regard:

- direct payment of assistants by Parliament, under the responsibility and in accordance with the personal instructions of the MEP concerned;
- the existence of a written contract registered with the European Parliament;
- compliance with the applicable provisions relating to taxation and social security.

The proposal takes account of these principles. A new category of Parliamentary Assistants is introduced in CEOS. Persons falling within the new category would be engaged by the European Parliament for a MEP after being selected by a MEP. Specific rules are introduced for governing this new category of staff, taking into consideration the specific features of the tasks of the Parliamentary Assistants and their relations with the European Parliament and the MEP. The introduction of this new category in CEOS would also bring about the replacement of 27 different contract relation, taxation and social security schemes by one single scheme.

CONTENT: the proposal lays down rules introducing a new category of assistants to MEPs to the Conditions of Employment of Other Servants and lays down rules on this new category respecting its specifics. It covers the assistants to Members of the European Parliament (MEPs), based in one of the European Parliament's places of work (Brussels, Strasbourg, Luxembourg), with the exception of those assistants working in MEP offices in the country of election, e.g. constituency offices, and aims to clarify and improve their current situation while fully respecting the particularity of their tasks in the Parliament.

General principle: MEPs assistants covered by this proposal will be employed by way of direct contract with the European Parliament. The introduction of this specific category of servants does not affect Article

29 of the Staff Regulations which provides that internal competitions are only open to officials and temporary staff. Parliamentary assistants thus constitute a category of staff specific to the European Parliament, in particular with regard to the fact that they support Members of Parliament in their capacity as democratically elected representatives entrusted with a mandate, in carrying out their duties.

Main provisions: the proposal provides that:

- Parliamentary assistants shall be classified by grade. Where a parliamentary assistant concludes a new contract, a new decision concerning his grading shall be taken;
- each Member will choose his or her own assistant;
- the employment contract of assistants will be for an indefinite period (normally the duration of a legislature);
- the Parliamentary assistant shall be engaged to perform either part-time or full-time duties without being assigned to a post included in the list of posts appended to the section of the budget relating to the European Parliament;
- by internal decision, the European Parliament shall adopt provisions governing the employment of parliamentary assistants;
- Article 1e of the Staff Regulations, on measures of a social nature and working conditions, shall apply by analogy;
- a parliamentary assistant shall serve a probationary period of three months;
- the weekly working hours of an assistant shall be set by the Member, but in normal circumstances may not exceed 42 hours per week. Assistants may not be required to work overtime except in the event of an emergency or exceptional workload. However, overtime worked by parliamentary assistants shall carry no right to compensation or remuneration.

Financial provisions: the principle of budgetary neutrality should be observed in respect of the introduction of this new category of staff. In this respect, the European Parliament shall pay into the general budget of the European Union the entire amount of the contributions needed to finance the pension scheme with the exception of the contribution under Article 83(2) of the Staff Regulations which is deducted monthly from the salary of the person concerned.

Report: within three years of the entry into force of this Regulation, the European Parliament shall submit a report on the application of this Regulation in order to examine the possible need to adapt the rules applying to parliamentary assistants.

Entry into force: the entry into force of these new provisions should coincide with the entry into force of the Statute for Members of the European Parliament. (Parliament's new term in 2009.)