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

2008/0224(CNS) - 16/12/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 598 votes to 19 with 47 abstentions, a legislative resolution amending the proposal for a Council regulation amending the Conditions of employment of other servants of the European Communities, regarding accredited parliamentary assistants. The report had been tabled for consideration in plenary by Giuseppe **GARGANI** (EPP-ED, IT), on behalf of the Committee on Legal Affairs. Parliament was concerned to ensure that certain implementing measures were adopted by internal decision of the European Parliament for matters such as disciplinary procedure, classification of grades and appeals. It also stressed the relationship of mutual trust between accredited parliamentary assistants and Members.

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

Accredited parliamentary assistant: this term is used throughout the text (rather than parliamentary assistant). Such assistants 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 deriving from the freedom of choice referred to in Article 21 of the Statute for Members of the European Parliament Accredited parliamentary assistants shall be engaged to perform either part-time or full-time duties.

Specific nature of parliamentary assistants: Parliament made a clear distinction in the text between accredited parliamentary assistants and local assistants. In contrast to local assistants, accredited parliamentary assistants are, as a general rule, expatriates. Accredited parliamentary assistants must be employed by way of direct contracts with the European Parliament. In contradistinction, local assistants, including those working for Members elected in one of the Member States in which the Parliament's three places of work are located, should continue to be employed, in accordance with the aforementioned Implementing Measures for the Statute for Members of the European Parliament, by Members of the European Parliament under contracts concluded under the applicable national law in the Member State in which they are elected.

Budget: the appropriations entered in the European Parliament section of the general budget of the EU and earmarked to cover parliamentary assistance, the annual amounts of which will be determined within the framework of the annual budgetary procedure, shall cover all the costs directly associated with Members' assistants, be they accredited assistants or local assistants .

Mutual trust: Members stressed that the relationship between Member and accredited parliamentary assistant was characterised by mutual trust. Parliament made clear that certain measures, including 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. Similarly, Articles 11 to 26a of the Staff Regulations shall apply by analogy. Having strict regard in particular to the specific nature of the

functions and duties of accredited parliamentary assistants and the mutual trust which has to characterise the relationship between them and the Member or Members of the European Parliament whom they assist, the implementing measures relating to this area adopted by internal decision shall take account of the specific nature of the working relationship between Members and their accredited parliamentary assistants. Lastly, Article 1d of the Staff Regulations shall apply by analogy, taking 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.**

Representation: by way of derogation form the Regulations, the arrangements relating to the autonomous representation of accredited parliamentary assistants shall be laid down by the implementing measures adopted by internal decision, taking into account that a formal link shall be established between the statutory representation of the Staff and the autonomous representation of the assistants. Parliament stated that accredited Parliamentary assistants should have statutory representation outside the system that applies to officials and other staff of the European Parliament. Their representatives should act as interlocutor vis-à-vis the competent authority of the European Parliament.

Probationary period: Parliament deleted the clause stating that parliamentary assistant shall serve a probationary period of three months.

Grades: the accredited parliamentary assistant shall be classified by grade by indication given by the Member or Members whom the assistant will support, in accordance with the relevant implementing measures, which will be adopted by internal decision by Parliament. For classification in grades 14-18, accredited parliamentary assistants shall be required, as a minimum, to have a university degree or equivalent professional experience.

Salary: Members amended the salaries for each grade in the Annex, and these are lower than the salaries proposed in committee.

Posts: 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 must be concluded for a fixed period and shall specify the grade in which the assistant is classified. A fixed-term contract must 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. The contracts shall expire at the latest by the end of the parliamentary term during which they were concluded.

Disciplinary procedure: specific provisions relating to the disciplinary procedure shall be laid down in the implementing measures adopted by internal decision.

Years of service: periods of employment as an accredited parliamentary assistant shall not be regarded as constituting "years of service" for the purposes of Article 29(3) and (4) of the Staff Regulations.

Report: the European Parliament shall, no later than 31 December 2011, present a report on the application of the Regulation in order to examine the possible need to adapt the rules applying to parliamentary assistants. On the basis of that report, the Commission may make any proposals it deems appropriate to that effect.