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

2008/0224(CNS) - 23/02/2009 - Final act

PURPOSE: to amend the EC Staff Regulation to include the parliamentary assistants as 'accredited parliamentary assistants' of Members of the European Parliament.

LEGISLATIVE ACT: Council Regulation (EC) No 160/2009 amending the Conditions of Employment of Other Servants of the European Communities.

BACKGROUND: until now, the parliamentary assistants' employment regime was completely based on private law contractual measures. MEPs directly employed all their staff by means of contracts governed by national law with the European Parliament reimbursing them for the expenditures incurred up to a given ceiling.

It transpired, however, that this system was no longer compatible given the size and complexity of a European Parliament comprising members from 27 Member States.

In 2000, in the context of the Commission's 1998 proposal (see CNS/1998/0176), the Council had stated that it was fully aware of the need to regulate the parliamentary assistants' employment conditions and to improve their situation. After protracted negotiations, a new approach emerged, resulting in the present regulation. The approach in question involved an amendment of the statute of "other servants of the European Communities" so as to include, by means of specific measures, the parliamentary assistants of MEPs. This approach also takes into account the Members' Statute implementing measures, adopted by Parliament's Bureau on 9 July 2008.

CONTENT: the aim of this amending regulation is to introduce into the conditions applicable to the employment of other servants of the European Communities a new category of staff specifically covering the parliamentary assistants of Members of the European Parliament.

The main changes to the Statute may be summarised as follows:

A new category of servants, "accredited parliamentary assistants": the amending regulation distinguishes clearly between the assistants who assist their members in the Member States (or "local assistants"), assistants of a member or of members in Brussels, Strasbourg or Luxembourg, who are referred to as "accredited assistants". The Statute only governs this **second category of assistants**. Local assistants who are employed by members in a Member State (including those working for members elected in one of the Member States in which the European Parliament's three places of work are located) will continue to be associated with their member by a work contract governed by the national law of the Member States in which he/she was elected.

Unlike local assistants, accredited parliamentary assistants are, as a general rule, expatriates. They work in the premises of the European Parliament in a European, multilingual and multicultural environment and undertake tasks which are directly linked to the work carried out by one or several Members of the European Parliament in the exercise of their functions as Members of the European Parliament. For these

reasons, and with a view to ensuring transparency and legal certainty through common rules, it is appropriate to provide for accredited parliamentary assistants to be employed by way of **direct contracts with the European Parliament.**

A specific statute for accredited parliamentary assistants: parliamentary assistants will be subject to the Conditions of employment of other servants of the European Communities, laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council in such a way as to take account of their particular circumstances, the particular tasks they are called on to perform and the specific duties and obligations they have to fulfil vis-à-vis the Members of the European Parliament for whom they are called on to work.

The introduction of this specific category of servants does not affect Article 29 of the Staff Regulations of Officials of the European Communities, which provides that internal competitions are only open to officials and temporary staff, and no provision of this Regulation may be construed as giving accredited parliamentary assistants privileged or direct access to posts of officials or other categories of servants of the European Communities or to internal competitions for such posts.

Main characteristics of the post of accredited parliamentary assistant: accredited parliamentary assistants constitute a category of other servants specific to the European Parliament, in particular with regard to the fact that they provide, **under the direction and authority** of one or several Members of the European Parliament and in a relationship of **mutual trust**, direct assistance to that Member or those Members in the exercise of their functions as Members of the European Parliament. The regime that is applicable takes into account of i) the specific nature of the duties, functions and responsibilities which are designed **to allow them to provide direct assistance to Members of the European Parliament under their** direction and authority, and of ii) the **contractual relationship** between those accredited parliamentary assistants and the European Parliament.

The regulation provides for only **one category of accredited assistants**, in light of the nature of their duties, which is **divided into grades** (a scale of basic salaries is provided in the annex of the amending regulation).

The European Parliament shall adopt implementing measures by internal decision, in particular, the specifications relating to the grades of assistants. It should be noted that in order to be classified in the upper grades, accredited parliamentary assistants shall be required, as a minimum, to have a university degree or equivalent professional experience.

Other specific measures are also envisaged:

- **duration of contracts:** the duration of such contracts should be directly linked to the duration of the mandate of the Members concerned. A contract. A contract shall not be extended more than twice during a parliamentary term and shall terminate at the end of the parliamentary term during which it was concluded. Accredited parliamentary assistants shall be engaged to perform either part-time or full-time duties;
- **statutory representation:** 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, taking into account that a formal link should be established between the statutory representation of staff and the autonomous representation of assistants;
- **other conditions of employment:** all provision relating to working conditions and the employment of assistants (e.g. level of qualifications required) are found in the annex of the regulation and include measures regarding the length of the working week (N.B. overtime worked by accredited parliamentary assistants shall carry no right to compensation or remuneration). There are also provisions regarding remuneration and reimbursement of expenses, social security (e.g. calculation of pension) and, termination of employment (notice periods, etc.). The statute lays down the

conditions of engagement of assistants, recognising the relationship of trust that links a Member and their assistant and the **complete freedom of a Member in the selection of an assistant**.

These rules and other rights and obligations apply to assistants either directly or by analogy with the statute of other servants of the Communities taking into account the specific nature of the functions and duties of accredited assistants and contractual relationships.

Budgetary provisions to cover parliamentary assistance: the budget for the remuneration of parliamentary assistants will come from the appropriate heading under section I of the EU's Budget (European Parliament). The annual amounts will be determined within the framework of the annual budgetary procedure, will cover all the costs directly associated with Members assistants, be they accredited parliamentary assistants or local assistants (in respect of the principle of budgetary neutrality).

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

ENTRY INTO FORCE: the assistants' statute will apply from the first day of the European Parliament parliamentary term beginning in 2009 (the same day as the entry into force of the Members' Statute).