

# Staff Regulations of Officials of the European Union: European External Action

## Service personnel policy; new terminology

2010/0171(COD) - 28/09/2010 - Court of Auditors: opinion, report

The Court of Auditors presented an opinion on the Council's request on 21 June 2010 on the proposal for a regulation of the European Parliament and of the Council amending the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of those Communities.

The main elements of this opinion may be summarised as follows:

**On a general note:** the Court considers that it will be a major challenge to form, from the different components of the EEAS, a homogeneous service with an appropriate esprit de corps to serve the interests of the Union. A precondition for success will be that staff from all components of the EEAS will be treated in an **equal manner**, having the same rights and obligations, regardless of whether they are officials of the EU or temporary agents coming from the diplomatic services of the Member State.

The Court recalls that the EEAS will be a functionally autonomous body of a sui generis nature, benefiting from its own section of the budget, while, at the same time, the EEAS will remain at Union Delegation level the relevant service to the Commission for the implementation of a wide range of operational appropriations from the 'Commission' section of the budget.

The staff in Union Delegations will comprise EEAS staff and Commission staff. The Heads of Delegation will have authority over all staff in the Union Delegation, whatever their status, and for all its activities. They shall be accountable to the High Representative but the Commission will also be entitled to issue instructions to Union Delegations, which shall be executed under the overall responsibility of the Heads of Delegation. This will mean that the Heads of Delegation will report to two different authorities which may give rise to conflicts of priority. The Court considers of utmost importance to preserve and enhance accountability, responsibility, and quality of management at Union Delegation level.

The Court also made a series of **specific comments**:

**(a) on the amendments to the Staff Regulations, including CEOS (Conditions of Employment of Other Servants):** the Court stresses the need to: (i) better define the level of responsibility as regards the Heads of Delegation; they should in particular: (ii) define the scope of the competences of a distinct Disciplinary Board; (iii) clarify, in the CEOS, other provisions concerning seconded staff from national diplomatic services who will fill temporarily permanent posts in the EEAS and to reinforce the provisions are regards equal treatment and social security cover for these agents;

**(b) on the other provisions in connection with the EEAS:** provisions are set out that would allow the High Representative to give priority to candidates from national diplomatic services of the Member States in order to guarantee adequate representation. In their current form, these provisions will not be incorporated into the text of the amended Staff Regulations or of the amended CEOS. This is not consistent with the purpose of the proposal to amend the Staff Regulations and the CEOS. For reasons of clarity and legal certainty, all provisions should be laid down in the body of the text of the amended Staff Regulations and CEOS or in their annexes.