EC staff regulation: EP Members' assistance statute

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In an opinion dated 23 September 1998, the Court of Auditors gives its opinion on the validity and appropriateness of the new Staff Regulations proposed by the Commission, with particular regard to the status of Members' assistants in the European Parliament. The Court has no doubt that the current hybrid status of Members' assistants is insecure and inappropriate. It therefore welcomes the Commission's initiative to propose a new Regulation for assistants similar to the current Regulation for auxiliary staff in the Communities. However, the Court considers that this new Regulation raises a number of problems: 1) The proposed system is optional and not universal: the Commission text indicates that it is concerned with the 'possibility' of giving assistants the status of auxiliaries, and not that this would be obligatory. The Court considers this legal uncertainty unacceptable. 2) The effect of this proposal on the budget is unknown: the Financial Regulation applicable to the Community's general budget normally stipulates that a financial statement must be included in any proposal with significant financial implications. The Commission proposal does not include a financial statement, and the proposal would have undeniable effects on the budget. 3) Harmonisation of the proposed system with the situation of parliamentary assistants: the Court does not consider that parliamentary assistants should be equated with auxiliary staff, who by their nature do not have a clearly-defined task. Assistants would be employed for a clearly specified time (one or more parliamentary terms) to carry out specified tasks. In other words, the Court considers that this regulation is not appropriate for the specific situation of Members' assistants. It takes the view that Members' assistants should have their own staff regulations, corresponding with the actual nature of their duties and allowing harmonised and transparent management. This would require first a better definition of the role of assistants (member of the institution's staff or member of staff employed by one of its Members) and there must be agreement on the particular characteristics of assistants. Therefore a new category should be created of officials contracted to the Communities with their own conditions of employment. It would thus be possible to take full account of the special nature of assistants' duties, without distorting the conditions applicable to another category of staff, while providing them with all the regulatory guarantees entailed by their inclusion in the regulation applicable to other servants.