Staff Regulations of EC officials: amending the Regulations

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PURPOSE : to amend the Staff Regulations of officials and the Conditions of Employment of other servants of the European Communities. CONTENT : the White Paper adopted on 01/03/2000 outlines the strategy to be followed and defines three main priorities: - thorough modernisation of financial management, control and audit and establishment of a system based on a clear allocation of responsibilities, underpinning an obligation to be accountable; - introduction of a new system of strategic planning involving activity-based management, the aim being to ensure constant coordination between the tasks to be carried out and the resources required; - modernisation of staff policy in order to ensure judicious utilisation/training/management/motivation of a highly qualified staff with a view to carrying out priority tasks. Some of the proposals (e.g. amending the internal provisions on training policy and the staff appraisal and promotion system) can be implemented under the existing Staff Regulations. Others, however, require amendments to the Staff Regulations and the Conditions of Employment of other servants. This proposal for a Regulation sets out those amendments: - agencies should specifically be included in the scope of the Staff Regulations in order to strengthen cooperation between institutions and agencies on staff policy in the interests of the smooth running of the Communities and the efficient use of human resources; - changes are required to incorporate advances and innovations in the working environment, in particular the Charter of Fundamental Rights of the European Union and the culture of service to the citizen. Those rights and obligations must be clear and easily understood and allow precise criteria to be laid down and used by the Administration as a basis for its decisions. The following points must be clarified and simplified: Impartiality is a fundamental principle of public service that is recognised by the Charter of Fundamental Rights of the European Union. A better definition is needed of the obligations of officials in situations in which there might be a conflict of interests. - experience gained in public or elected office can be useful for both the official and the institution, but clear rules must be laid down for members of staff seeking or attaining public office. - confidentiality is another principle essential to the proper functioning and the reputation of the Communities. This implies obligations for former officials, which need to be better defined. - at the same time, the institutions are determined to comply with the principle of transparency of the European civil service and to pursue a policy of openness towards the public. In order to do so, the precise boundaries of professional secrecy must be mapped out. - freedom of expression is a basic right of all officials. The Staff Regulations must lay down clear rules on prior authorisation for publications connected with Community policies. - the Commission plays a leading role in the Community policy of equal opportunities in the workplace, i.e. the fight againstdiscrimination on grounds of gender, race, religion, disability, age or sexual orientation. As an employer, it must offer its staff at least an equivalent level of protection. The Staff Regulations should be amended to ensure full compliance with that principle, for example by granting (subject to certain conditions) members of staff in a recognised partnership or a confirmed stable partnership certain advantages originally reserved for married members of staff. - a number of amendments confirm the importance of social welfare within staff policy. The Staff Regulations is to include an explicit reference to social welfare policy. New provisions on family-related leave, in particular parental leave (which sometimes involve formal recognition of arrangements that have developed in practice), the introduction of flexible working arrangements and the introduction (subject to certain conditions) of the right to work part time will help not only to reconcile work and private life, promote equal opportunities and protect the dignity of the individual but also to increase staff motivation (and therefore productivity) and make the conditions offered to candidates for recruitment more attractive. - new provisions will permit the problems of sexual and psychological harassment to be dealt with more effectively. - the current career structure should be reviewed to take account of profound changes in patterns of employment and work: lifelong learning has become the norm everywhere in Europe. The proposed amendments to the Staff Regulations are aimed at improved recognition of professional experience and lifelong learning. - the European institutions

recognise the importance of external mobility. An amendment to the Staff Regulations is required to improve the conditions for external mobility and modernise the conditions for the granting of leave on personal grounds. A further amendment is required to create a suitable framework for the separate and transparent publication of vacant posts to be filled by transfer or by promotion/appointment. - as regards financial conditions, amendments have been proposed aiming at ensuring the competitiveness of the European institutions and maintaining the overall level of remuneration by incorporating into the Staff Regulations a standing method for the annual adjustment of salaries and so guarantee, in a manner similar to that of the Method of adjustment that expires in 2003, that the purchasing power of officials develops in parallel with that of national civil servants. - the major amendment involving pensions is the introduction into the Staff Regulations of an objective and systematic auditing procedure based on the strictest standards, the aim being to ensure the short-term and long-term actuarial balance of the scheme and enable pensions to be fully financed from the contributions of all the parties concerned. Other amendments are aimed at modernising the retirement, invalidity and survivor's pensions and, in particular, apply specific weightings, i.e. distinct from those applied to the remuneration of staff in active service, and at ensuring greater neutrality for the transfer of pension rights. - as regards early retirement, proposed amendments to the Staff Regulations are intended to modernise the scheme, bring it more closely into line with Community rules on the free movement oflabour, correct certain inconsistencies and introduce more flexibility. - the new provisions to improve working conditions, job satisfaction, ways of addressing professional incompetence, and staff management will have a positive impact on absenteeism. A further amendment to the Staff Regulations is, at the same time, expected to simplify procedures for monitoring absenteeism. - as the current disciplinary arrangements have a number of shortcomings, amendments to the Staff Regulations are proposed to: rationalise the way disciplinary proceedings are opened and conducted; stabilise the membership of disciplinary boards; and adjust the rules on the suspension of officials. - a new legal framework and new statutory guarantees for the legal protection of all officials who report misconduct and serious wrongdoing within the service. - amendments are necessary to harmonise the provisions applicable to officials in the scientific and technical services. Similarly, provisions on the staff of the Unified External Service must be adapted and clarified. - a special amendment of the Conditions of Employment of other servants is required to improve the provisions on unemployment applicable to members of the temporary staff on termination of their service. - a new type of servant needs to be introduced, namely contract staff. They will eventually replace staff in Category D and will be employed at all levels in Commission Offices and Representations, in Delegations and Agencies and in the executive agencies and other bodies created by specific legal act. After two fixed-term contracts, contract staff may be given a contract of indefinite duration. Finally, provision is made for transitional arrangements to enable the new measures and rules to be applied gradually and to guarantee established rights.