Staff Regulations of EC officials: amending the Regulations

2002/0100(CNS) - 18/11/2003 - Amended legislative proposal for reconsultation

On 19 May 2003 political agreement was reached within the Council on a compromise proposal put forward by the Presidency concerning the substance of the reform package. The Council's conclusions also encompassed modernisation of the pension scheme which had not been part of the original proposal. On 26 June 2003 the Consultation Committee (COCO), comprising staff representatives, delegates from the Member States and a representative of the administration from each institution, was convened in order to consider the Commission's proposal in the light of the Council's conclusions. Its opinion was approved by the Council on 29 September 2003. Concertations with the OSPs on an interinstitutional level were finalised on 12 November 2003 with the support of the OSPs. The Staff Regulations and Conditions of Employment should be amended as follows: - to provide a framework for the recruitment by the Communities of staff of the highest calibre in terms of productivity and integrity, drawn on the widest possible geographical basis from among citizens of the Member States, and enable such staff to carry out their duties under conditions which ensure that the service functions as smoothly as possible; - to ensure that human resources are managed as effectively as possible in a European civil service characterised by competence, independence, loyalty, impartiality and permanence, as well as by cultural diversity; - to ensure that there is a single European civil service and to apply common rules to all institutions and agencies. The availability of a single set of Staff Regulations should provide a useful tool for enhancing cooperation between the institutions and agencies on staff policy; - compliance should be observed with the principle of non-discrimination which thus necessitates the further development of a staff policy ensuring equal opportunities for all, regardless of sex, physical capacity, age, racial or ethnic identity, sexual orientation and marital status. Officials in a non-marital relationship recognised by a Member State as a stable partnership who do not have legal access to marriage should be granted the same range of benefits as married couples, while couples in the same situation with legal access to marriage should qualify for a more limited range of benefits; - provide measures of a social nature and to working conditions which meet appropriate health and safety standards; such measures are intended to help reconcile work and private life, to promote equality of opportunity, as well as to protect the health and safety of the individual; - to strengthen the principle of career development based on merit, establishing a closer link between performance and remuneration by providing greater incentives for good performance through structural changes to the careers system, whilst ensuring equivalence of average career profiles in the new and the old structure, in keeping with the establishment plan and budgetary discipline; - modernising the careers system calls for greater recognition of officials' professional experience and of the principle of life-long learning. Accordingly it is desirable to replace the existing staff categories, regrade staff in the new administrators' (AD) and assistants' (AST) function groups andfacilitate progress from a lower group to a higher, by means of a new certification mechanism; - to devise a system of ensuring the equivalence of average career profiles which, when viewed as a whole, will offset fairly and reasonably, on the one hand the increase in the number of grades altogether and, on the other, the reduction in the number of steps in each grade; - greater emphasis should, for the purposes of recruitment and promotion, be laid on linguistic proficiency and the ability to work in a third Community language; - to clarify the obligations of officials in situations where there is an actual or potential conflict of interest, both before and after leaving the service; - an improved legal framework should be set up to address issues of psychological and sexual harassment, and to that end express definitions should be formulated; - to provide for the right of freedom of expression, since this is enshrined in the Charter of Fundamental Rights and is a basic right of officials, and to set reasonable limits to its exercise. At the same time, clear rules are required to govern the publication of matters connected with the work of the Community, wherever its legitimate interests may be at risk; - a new legal framework and guarantees should be provided for the legal protection of officials who report blameworthy acts and serious wrongdoing within the service to certain clearly defined persons or bodies; - to rationalise more consistently the way in which

disciplinary proceedings are opened and conducted; - procedures for monitoring absence and for the submission of medical certificates should be clarified; - it is necessary to introduce a comprehensive procedure for dealing with cases of professional incompetence which safeguards the right of defence of the officials concerned; - provision should be made for the introduction of flexible working arrangements, namely, and subject to certain conditions, the right to work part time, to take advantage of job sharing arrangements and to obtain extended leave on personal grounds. Provisions on family-related leave and, more particularly, the right to more flexible maternity leave, paternity leave, adoption and parental leave as well as leave in case of serious illness of a family member should be introduced. On the issue of salaries, in the interest of guaranteeing that the purchasing power of Community officials develops in parallel with that of civil servants in the Member States, it is essential to preserve the principle of a multi-annual adjustment mechanism for pay. This mechanism, previously known as 'the Method' and applicable until 30 June 2004, should now be broadly extended for 9 years and should be reviewed after 4 years for consistency with budgetary discipline. The advantages for officials of a multi-annual pay adjustment system should be balanced by the introduction of a special levy to reflect the costs of social policy, improved working conditions and the European Schools, which should increase by annual steps and apply to all officials for the same period as the system itself. In addition, as the costs of the correction coefficients applied to transfers of parts of salary to other Member States have become disproportionate, transfers with correction coefficientsshould be limited to a lesser proportion of salary and to cases where the transfer is necessary to allow the official to meet expenses resulting from legal obligations to family members in other Member States. The criterion for former officials to continue to be covered by the Joint Sickness Insurance Scheme has proved uncertain in its application and should therefore be simplified. Concerning pensions, since pensions are expressed as a proportion of a final salary, it is appropriate to ensure that in future pay and pensions are adapted in parallel while safeguarding the actuarial basis of the scheme and maintaining the respective shares of contributions borne by the official and the employer and the principle that pensions are a charge on the Community budget, whose payment is guaranteed by the Member States. That objective requires the creation of a mechanism for ensuring the short and longterm actuarial balance of the scheme. Deepened integration of the European Union and the free choice of pensioners of their place of residence within the European Union has made the system of correction coefficients for pensions obsolete. This system has also created monitoring problems as regards the place of residence of pensioners which should be overcome. This system should therefore be abolished with an appropriate transition for pensioners and officials recruited before the entry into force of this regulation. The conditions underlying the current provisions on invalidity pensions and survivor's pensions have changed since those provisions were adopted and should therefore be updated and simplified. New rules on flexible retirement arrangements should take the interests of both officials and the institutions into account. The measures involved should be voluntary, and accompanied by appropriate financial conditions. A realistic choice in favour of early retirement is dependant on health insurance and family allowances being maintained; however, those advantages should be balanced by raising the minimum age to 55 and introducing the option of working beyond the current retirement age. Lastly, a new category of non-permanent staff needs to be established, namely that of contract servants. Such staff, whose responsibilities are of a more limited nature, will generally be required to work on non-core tasks under the supervision of officials or temporary staff. They will be employed with a view to eventually replacing auxiliaries and Category D officials in the institutions, Commission Offices and Representations, Delegations and Agencies and also in executive agencies and other bodies created by a specific legal act. Provision should be made for transitional arrangements to enable the new rules and measures to be applied gradually, whilst leaving intact the acquired rights of the staff and respecting their legitimate expectations.