Basic information

2008/0224(CNS) CNS - Consultation procedure Regulation	Procedure completed
EC Staff Regulations: Conditions of Employment of Other Servants (CEOS); parliamentary assistants (amend. Regulation (EEC, Euratom, ECSC) No 259/68) **Subject** 8.40.01 European Parliament 8.40.09 European officials, EU servants, staff regulations	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	GARGANI Giuseppe (PPE-DE)	03/11/2008

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	LEWANDOWSKI Janusz (PPE-DE)	05/11/2008

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2917	2008-12-18

European Commission

Commission DG	Commissioner
Human Resources and Security	KALLAS Siim

Key events

Date	Event	Reference	Summary
13/11/2008	Legislative proposal published	COM(2008)0786	Summary
20/11/2008	Committee referral announced in Parliament		
04/12/2008	Vote in committee		Summary
08/12/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0483/2008	
16/12/2008	Decision by Parliament	T6-0606/2008	Summary

16/12/2008	Results of vote in Parliament		
18/12/2008	Act adopted by Council after consultation of Parliament		
18/12/2008	End of procedure in Parliament		
27/02/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/0224(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 283
Stage reached in procedure	Procedure completed
Committee dossier	JURI/6/68897

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE415.320	17/11/2008	
Committee opinion	BUDG	PE415.247	19/11/2008	
Amendments tabled in committee		PE416.287	21/11/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0483/2008	08/12/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0606/2008	16/12/2008	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0786	13/11/2008	Summary
Commission response to text adopted in plenary	SP(2009)402	29/01/2009	
Follow-up document	COM(2020)0110	23/03/2020	Summary
Follow-up document	COM(2021)0060	15/02/2021	
Follow-up document	COM(2021)0648	26/10/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	52008AA0005 OJ C 008 13.01.2009, p. 0001	11/12/2008	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Regulation 2009/0160 OJ L 055 27.02.2009, p. 0001	Summary

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

2008/0224(CNS) - 23/03/2020 - Follow-up document

The Commission presented the 2013-2018 report on the financial situation of the unemployment insurance scheme for former members of the temporary or contract staff and parliamentary assistants who are unemployed after the termination of their service in a European Union institution.

Under the Conditions of Employment of Other Servants (CEOS), every two years the Commission must present a report on the financial situation of the unemployment insurance scheme and the Special Unemployment Fund.

To make it easier to trace the evolution of the Fund, the reference period for the report is December 2013 to December 2018.

As a reminder, the Community unemployment allowance is intended for former contract staff (CAs), accredited parliamentary assistants (APAs) or temporary staff (TAs) who are involuntarily unemployed (excluding, for example, staff who have resigned) following termination of their service in a European Union institution. This unemployment allowance is in addition to any national unemployment allowance received by the former staff member.

These allowances are financed from the Special Unemployment Fund, which is financed by the contributions of staff covered by the CEOS (who are potential beneficiaries) and by their employer’s contributions.

Operating results 2013-2018

There were significant increases in expenditure from 2013 to 2015, primarily owing to the new parliamentary term of the European Parliament and the fact that APAs became eligible for the Unemployment Fund. However, from 2016 this expenditure decreased because a majority of APAs ceased to be eligible for unemployment benefits and CA contracts were extended from three to six years (2014 reform of the Staff Regulations).

Revenue continued to rise, primarily because new agencies were created (executive and decentralised agencies) and the number of staff members employed by the agencies increased. There was also an increase in the number of TA and CA contracts within the institutions.

Overall, although in 2013 the Unemployment Fund had a deficit of EUR 1 million, and its accumulated reserve fell from EUR 16.1 million at the start of 2009 to EUR 2 million at the end of 2015, the Fund’s reserve has been reconstituted and amounted to nearly EUR 28 million at the end of 2018.

Expenditure and revenue by institution and for all the agencies 2013-2018

The effect of the end of the European Parliament’s parliamentary term is particularly visible, with an increase in expenditure relating to the European Parliament of over EUR 8 million between 2013 and 2014. In 2015 expenditure remained high but was nevertheless lower than in 2014. It declined strongly from 2016, to around EUR 3 million in 2018.

The agencies in particular currently have a level of contributions that exceeds expenditure. This situation can be attributed to the fact that a large proportion of their staff members have open-ended contracts. However, it should be noted that although expenditure relating to agency personnel increased sharplyduring the 2013-2015 period, it decreased up until 2018 and ended up at around EUR 4 million, i.e. a decrease of around 50% compared with 2015 (from EUR 6 021 292 in 2015 to EUR 4 083 952.15 in 2018)

Prospects of the Unemployment Fund in the short and medium term

On the basis of past observation of the expenditure level, it seems that the substantial reserve achieved at the end of 2018 should make it possible to finance the increased expenditure relating to the end of the European Parliament's parliamentary term in view of the expected increase in the number of former APA beneficiaries from mid-2019.

It should also be stressed that there are other factors that could increase expenditure, such as the departure of 3b CAs who have reached the maximum of six years under contract, or the possible consequences of the process of withdrawal of the United Kingdom from the European Union in accordance with Article 50 of the Treaty on European Union.

The Commission will therefore monitor the financial position of the scheme on a regular basis and take appropriate action with a view to ensuring the financial stability of the Fund.

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

2008/0224(CNS) - 16/12/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 598 votes to 19 with 47 abstentions, a legislative resolution amending the proposal for a Council regulation amending the Conditions of employment of other servants of the European Communities, regarding accredited parliamentary assistants. The report had been tabled for consideration in plenary by Giuseppe **GARGANI** (EPP-ED, IT), on behalf of the Committee on Legal Affairs. Parliament was concerned to ensure that certain implementing measures were adopted by internal decision of the European Parliament for matters such as disciplinary procedure, classification of grades and appeals. It also stressed the relationship of mutual trust between accredited parliamentary assistants and Members.

The main amendments – made in the framework of the consultation procedure – are as follows :

Accredited parliamentary assistant: this term is used throughout the text (rather than parliamentary assistant). Such assistants are defined as persons chosen by one or more Members and engaged by way of direct contract by the European Parliament to provide direct assistance, in the premises of the European Parliament at one of its three places of work, to the Member or Members in the exercise of their functions as Members of the European Parliament, under their direction and authority and in a relationship of mutual trust deriving from the freedom of choice referred to in Article 21 of the Statute for Members of the European Parliament Accredited parliamentary assistants shall be engaged to perform either part-time or full-time duties.

Specific nature of parliamentary assistants: Parliament made a clear distinction in the text between accredited parliamentary assistants and local assistants. In contrast to local assistants, accredited parliamentary assistants are, as a general rule, expatriates. Accredited parliamentary assistants must be employed by way of direct contracts with the European Parliament. In contradistinction, local assistants, including those working for Members elected in one of the Member States in which the Parliament's three places of work are located, should continue to be employed, in accordance with the aforementioned Implementing Measures for the Statute for Members of the European Parliament, by Members of the European Parliament under contracts concluded under the applicable national law in the Member State in which they are elected.

Budget: the appropriations entered in the European Parliament section of the general budget of the EU and earmarked to cover parliamentary assistance, the annual amounts of which will be determined within the framework of the annual budgetary procedure, shall cover all the costs directly associated with Members' assistants, be they accredited assistants or local assistants .

Mutual trust: Members stressed that the relationship between Member and accredited parliamentary assistant was characterised by mutual trust. Parliament made clear that certain measures, including Article 1e of the Staff Regulations, on measures of a social nature and working conditions, shall apply by analogy, provided that such measures are compatible with the particular nature of the tasks and responsibilities taken on by accredited parliamentary assistants. Similarly, Articles 11 to 26a of the Staff Regulations shall apply by analogy. Having strict regard in particular to the specific nature of the functions and duties of accredited parliamentary assistants and the mutual trust which has to characterise the relationship between them and the Member or Members of the European Parliament whom they assist, the implementing measures relating to this area adopted by internal decision shall take account of the specific nature of the working relationship between Members and their accredited parliamentary assistants. Lastly, Article 1d of the Staff Regulations shall apply by analogy, taking into account the relationship of mutual trust between the Member of the European Parliament and his accredited parliamentary assistant or assistants, it being understood that Members of the European Parliament may base their selection of accredited parliamentary assistants also on **political affinity.**

Representation: by way of derogation form the Regulations, the arrangements relating to the autonomous representation of accredited parliamentary assistants shall be laid down by the implementing measures adopted by internal decision, taking into account that a formal link shall be established between the statutory representation of the Staff and the autonomous representation of the assistants. Parliament stated that 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.

Probationary period: Parliament deleted the clause stating that parliamentary assistant shall serve a probationary period of three months.

Grades: the accredited parliamentary assistant shall be classified by grade by indication given by the Member or Members whom the assistant will support, in accordance with the relevant implementing measures, which will be adopted by internal decision by Parliament. For classification in grades 14-18, accredited parliamentary assistants shall be required, as a minimum, to have a university degree or equivalent professional experience.

Salary: Members amended the salaries for each grade in the Annex, and these are lower than the salaries proposed in committee.

Posts: accredited parliamentary assistants shall not be assigned to a post included in the list of posts appended to the section of the budget relating to the European Parliament. Their remuneration shall be financed under the appropriate budget heading and they shall be paid from the total appropriations allocated to the section of the budget relating to the European Parliament.

Duration: the contracts of accredited parliamentary assistants must be concluded for a fixed period and shall specify the grade in which the assistant is classified. A fixed-term contract must not be extended more than twice during a parliamentary term. Unless otherwise specified in the contract itself, the contract shall terminate at the end of the parliamentary term during which it was concluded. The contracts shall expire at the latest by the end of the parliamentary term during which they were concluded.

Disciplinary procedure: specific provisions relating to the disciplinary procedure shall be laid down in the implementing measures adopted by internal decision.

Years of service: periods of employment as an accredited parliamentary assistant shall not be regarded as constituting "years of service" for the purposes of Article 29(3) and (4) of the Staff Regulations.

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

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).

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

2008/0224(CNS) - 13/11/2008 - Legislative proposal

PURPOSE: to introduce in the Conditions of Employment of Other Servants (CEOS) provisions covering the assistants to Members of the European Parliament (MEPs).

PROPOSED ACT: Council Regulation.

BACKGROUND: the current system of engaging of assistants to MEPs, which is based entirely on private law contractual arrangements, seems to be no longer compatible with the size and complexity of a Parliament composed of MEPs from 27 Member States. It puts a very heavy administrative burden both on Parliament's administration and on individual MEPs. Apart from this administrative burden, the application of 27 different tax and social security systems to persons working between Brussels, Strasbourg, Luxembourg and other parts of Europe results in numerous constraints concerning the position of MEPs' assistants.

In 2000, in the context of the Commission proposal of 19 May 1998 (see CNS/1998/0176) the Council declared that it was fully aware of the need to regulate the conditions of employment of parliamentary assistants and to improve their current situation. To that end, the Council pointed out that, when examining the draft Statute for Members of the European Parliament, it adopted principles which it regards as essential in that regard:

- direct payment of assistants by Parliament, under the responsibility and in accordance with the personal instructions of the MEP concerned;
- the existence of a written contract registered with the European Parliament;
- compliance with the applicable provisions relating to taxation and social security.

The proposal takes account of these principles. A new category of Parliamentary Assistants is introduced in CEOS. Persons falling within the new category would be engaged by the European Parliament for a MEP after being selected by a MEP. Specific rules are introduced for governing this new category of staff, taking into consideration the specific features of the tasks of the Parliamentary Assistants and their relations with the European Parliament and the MEP. The introduction of this new category in CEOS would also bring about the replacement of 27 different contract relation, taxation and social security schemes by one single scheme.

CONTENT: the proposal lays down rules introducing a new category of assistants to MEPs to the Conditions of Employment of Other Servants and lays down rules on this new category respecting its specifics. It covers the assistants to Members of the European Parliament (MEPs), based in one of the European Parliament's places of work (Brussels, Strasbourg, Luxembourg), with the exception of those assistants working in MEP offices in the country of election, e.g. constituency offices, and aims to clarify and improve their current situation while fully respecting the particularity of their tasks in the Parliament.

General principle: MEPs assistants covered by this proposal will be employed by way of direct contract with the European Parliament. The introduction of this specific category of servants does not affect Article 29 of the Staff Regulations which provides that internal competitions are only open to officials and temporary staff. Parliamentary assistants thus constitute a category of staff specific to the European Parliament, in particular with regard to the fact that they support Members of Parliament in their capacity as democratically elected representatives entrusted with a mandate, in carrying out their duties.

Main provisions: the proposal provides that:

- Parliamentary assistants shall be classified by grade. Where a parliamentary assistant concludes a new contract, a new decision concerning his grading shall be taken;
- each Member will choose his or her own assistant;
- the employment contract of assistants will be for an indefinite period (normally the duration of a legislature);
- the Parliamentary assistant shall be engaged to perform either part-time or full-time duties without being assigned to a post included in the list of posts appended to the section of the budget relating to the European Parliament;
- by internal decision, the European Parliament shall adopt provisions governing the employment of parliamentary assistants;
- Article 1e of the Staff Regulations, on measures of a social nature and working conditions, shall apply by analogy;
- a parliamentary assistant shall serve a probationary period of three months;
- the weekly working hours of an assistant shall be set by the Member, but in normal circumstances may not exceed 42 hours per week. Assistants may not be required to work overtime except in the event of an emergency or exceptional workload. However, overtime worked by parliamentary assistants shall carry no right to compensation or remuneration.

Financial provisions: the principle of budgetary neutrality should be observed in respect of the introduction of this new category of staff. In this respect, the European Parliament shall pay into the general budget of the European Union the entire amount of the contributions needed to finance the pension scheme with the exception of the contribution under Article 83(2) of the Staff Regulations which is deducted monthly from the salary of the person concerned.

Report: within three years of the entry into force of this Regulation, the European Parliament shall submit a report on the application of this Regulation in order to examine the possible need to adapt the rules applying to parliamentary assistants.

Entry into force: the entry into force of these new provisions should coincide with the entry into force of the Statute for Members of the European Parliament. (Parliament's new term in 2009.)

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

2008/0224(CNS) - 11/12/2008 - Court of Auditors: opinion, report

OPINION NO 5/2008 OF THE COURT OF AUDITORS of the European Communities on a proposal for a Council Regulation amending the conditions of employment of other servants of the European Communities.

The purpose of the Commission proposal is to amend the Conditions of Employment of Other Servants of the European Communities (CEOS) in order to include a new category of servants called **'parliamentary assistants'**, to be chosen by MEPs and to be engaged under contract by Parliament to work within its premises in Strasbourg, Brussels and Luxembourg.

The Court welcomes the proposal, which aims at ensuring **transparency, non-discrimination and legal certainty** through common rules for parliamentary assistants. The proposal is in line with the Court's Opinion No 6/98 on a previous proposal on the same subject (see CNS/1998/0176), in which the Court suggested that parliamentary assistants could constitute a completely new category of staff employed on the basis of contracts with the Communities and provided with their own regulation. The proposal also addresses certain aspects of criticism expressed on several occasions by the Court, which pointed out weaknesses in the applicable regulatory framework, highlighting in particular the need to adopt rules that ensure the proper justification and documentation of the services delivered.

The Court notes that the Commission proposal provides for the adoption, by internal decisions of Parliament, of provisions governing the employment of parliamentary assistants, and of practical implementing measures for the application by analogy of Articles 11 to 26a of the Staff Regulations, which will determine the **assistants' rights and obligations**. For the adoption of such internal decisions, it should be borne in mind that implementing rules may lay down criteria capable of guiding the administration in the exercise of its discretionary power or explain more fully the scope of provisions of the Staff Regulations which are not wholly clear. However, they cannot reduce the scope of the Staff Regulations by further explaining a clear term of those regulations.

The system proposed, if adopted, will generate an **increased workload** for the Parliament's services within a short period of time. This generates risks which may negatively impact on the legality and regularity of the operations undertaken and the reliability of management and financial information. The Court therefore recommends that the relevant services of the Parliament take the appropriate measures to ensure that **reliable and effective procedures and systems** are designed, tested and implemented in a timely manner and that the resources necessary to the timely, reliable and efficient management of the new scheme are made available.