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*Committee on Legal Affairs*

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**2011/0455(COD)**

10.2.2012

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# **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union  
(COM(2011)0890 – C7-0507/2011 – 2011/0455(COD))

Committee on Legal Affairs

Rapporteur: Dagmar Roth-Behrendt

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union**

**(COM(2011)0890 – C7-0507/2011 – 2011/0455(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0890),
  - having regard to Article 294(2) and Article 336 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0507/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the Court of Justice of ...<sup>1</sup>
  - having regard to the opinion of the Court of Auditors of ...<sup>2</sup>
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on Budgets, the Committee on Budgetary Control and Committee on Women's Rights and Gender Equality (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

#### **Recital 1**

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<sup>1</sup> ...  
<sup>2</sup> ...

*Text proposed by the Commission*

(1) The European Union and its more than 50 institutions and agencies should be equipped with a high-quality European public administration, so as to enable it to perform its tasks to the highest possible standard in accordance with the Treaties **and** to meet the challenges, both internal and external, that **it** will face in the future.

*Amendment*

(1) The European Union, and its more than 50 institutions and agencies, should **continue to** be equipped with a high-quality European public administration, so as to enable it to **achieve its objectives, implement its policies and activities and** perform its tasks to the highest possible standard in accordance with the Treaties to meet the challenges, both internal and external, that **it** will face in the future **and to serve the citizens of the Union.**

Or. en

**Amendment 2**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Consequently, it is necessary to **provide** a framework for **the recruitment of high calibre** staff **in terms of productivity and integrity**, drawn on the widest possible geographical basis from among citizens of the Member States, and to enable such staff to carry out their duties as effectively and efficiently as possible.

*Amendment*

(2) Consequently, it is necessary to **ensure** a framework for **attracting, recruiting and maintaining highly-qualified and multilingual** staff, drawn on the widest possible geographical basis from among citizens of the Member States, **independent and adhering to the highest professional standards**, and to enable such staff to carry out their duties as effectively and efficiently as possible.

Or. en

### Amendment 3

#### Proposal for a regulation Recital 14

*Text proposed by the Commission*

(14) Working hours applied in the institutions should be aligned to ***those in force in certain of the Member States of the European Union*** to compensate for the reduction of staff in the institutions. The introduction of a minimum number of weekly working hours will ensure that the staff employed by the institutions is able to carry out the work-load resulting from the European Union's policy objectives while, at the same time, harmonising working conditions in the institutions, in the interest of solidarity throughout the European Union's civil service.

*Amendment*

(14) Working hours applied in the institutions should be aligned to compensate for the reduction of staff in the institutions. ***This alignment should take into account the working hours applied in the civil service of Member States.*** The introduction of a minimum number of weekly working hours will ensure that the staff employed by the institutions is able to carry out the work-load resulting from the European Union's policy objectives while, at the same time, harmonising working conditions in the institutions, in the interest of solidarity throughout the European Union's civil service.

Or. en

### Amendment 4

#### Proposal for a regulation Recital 26

*Text proposed by the Commission*

(26) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council,

*Amendment*

(26) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of ***all the*** relevant documents to the European Parliament and Council,

Or. en

## Amendment 5

### Proposal for a regulation

#### Article 1 – point 1 - point 1a (new)

Staff Regulations

Article 1d – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***1a. The first subparagraph of Article 1d(4) shall be replaced by the following:***

***"For the purposes of paragraph 1, a person has a disability if he has a long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his full and effective participation in society on an equal basis with others. The impairment shall be determined according to the procedure set out in Article 33."***

Or. en

*Justification*

*The amendment seeks to align the definition of persons with disabilities provided for in Article 1d of the Staff Regulations with the definition used in Article 1 of the UN Convention on the Rights of Persons with Disabilities.*

## Amendment 6

### Proposal for a regulation

#### Article 1 – point 1 - point 2 a (new)

Staff Regulations

Article 1 d – paragraph 4 - subparagraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The following subparagraph shall be inserted after the third subparagraph of Article 1d(4):***

***"The principle of equal treatment shall not prevent the appointing authorities of the institutions from maintaining or adopting measures providing for specific***



*advantages in order to make it easier for persons with disabilities to pursue a vocational activity or in order to prevent or compensate for disadvantages in their professional careers."*

Or. en

## **Amendment 7**

### **Proposal for a regulation**

#### **Article 1 – point 3**

Staff Regulations

Article 6

#### *Text proposed by the Commission*

1. The establishment plan appended to the section of the budget related to each institution shall indicate the number of posts in each grade and function group.

***Each institution's establishment plan shall reflect the obligations set out in the multi-annual financial framework and the inter-institutional agreement on its implementation.***

2. Without prejudice to the principle of promotion based on merit as laid down in Article 45, this plan shall ensure that for each institution, the number of vacant positions at every grade of the establishment plan on 1 January of each year corresponds to the number of officials in the lower grade in active employment on 1 January of the preceding year, multiplied by the rates laid down in Annex I, point B, for that grade. These rates shall be applied on a five-year average basis as from 1 January 2013.

3. The rates laid down in Annex I, Section B, shall be reviewed at the end of a five-year period starting on 1 January 2013 on the basis of a report, submitted by the Commission to the European Parliament and the Council, and a proposal by the

#### *Amendment*

1. The establishment plan appended to the section of the budget related to each institution shall indicate the number of posts in each grade and function group.

2. Without prejudice to the principle of promotion based on merit as laid down in Article 45, this plan shall ensure that for each institution, the number of vacant positions at every grade of the establishment plan on 1 January of each year corresponds to the number of officials in the lower grade in active employment on 1 January of the preceding year, multiplied by the rates laid down in Annex I, point B, for that grade. These rates shall be applied on a five-year average basis as from 1 January 2013.

3. The rates laid down in Annex I, Section B, shall be reviewed at the end of a five-year period starting on 1 January 2013 on the basis of a report, submitted by the Commission to the European Parliament and the Council, and a proposal by the

Commission. The European Parliament and the Council shall decide in accordance with Article 336 of the Treaty on the Functioning of the European Union.

4. After the same five-year period, the Commission shall report to the European Parliament and to the Council on the implementation of the provisions on the function group AST/SC and of the transitional provisions laid down in Article 30 of Annex XIII, taking into account the evolution of the need for staff carrying out secretarial and clerical tasks in all institutions and the evolution of permanent and temporary posts in function **group** AST and **of the number of contract agents in function group II**.

Commission. The European Parliament and the Council shall decide in accordance with Article 336 of the Treaty on the Functioning of the European Union.

4. After the same five-year period, the Commission shall report to the European Parliament and to the Council on the implementation of the provisions on the function group AST/SC and of the transitional provisions laid down in Article 30 of Annex XIII, taking into account the evolution of the need for staff carrying out secretarial and clerical tasks in all institutions and the evolution of permanent and temporary posts in function **groups** AST and **AST/SC**.

Or. en

#### Justification

*Institutions should be left a choice as to the methods of making savings and the resources in respect of which savings can be achieved. It is also sufficient for the establishment plan to be linked to the budget of the institutions, which is based on the EU general budget, which in turn follows the MFF.*

*The change to paragraph 4 is a technical adjustment. Since it relates to the reporting obligations concerning implementation of the provisions on the function group AST/SC, the reference to the evolution of needs and posts should also extend to that group.*

#### Amendment 8

##### Proposal for a regulation

##### Article 1 – point 10

Staff Regulations

Article 31 – paragraph 2 – first sentence

*Text proposed by the Commission*

Without prejudice to Article 29(2), officials shall be recruited only at grades SC 1, AST 1 to AST 4 or AD 5 to AD 8.

*Amendment*

Without prejudice to Article 29(2), officials shall be recruited only at grades SC 1 **to SC 3**, AST 1 to AST 4 or AD 5 to AD 8.

*Justification*

*It should be possible for the institutions to decide on the entry grade of staff recruited in the function group AST/SC depending, e.g., on their experience, just as in the case of function groups AST and AD.*

**Amendment 9****Proposal for a regulation****Article 1 – point 15 – point a**

Staff Regulations

Article 45 – paragraph 1 – after the second sentence

*Text proposed by the Commission*

*Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may **only** be promoted **if they occupy a post which corresponds to one of the types of post set out in Annex I, Section A, for the next higher grade.***

*Amendment*

*Officials of grade AST 9 may be promoted to grade AST 10 only in accordance with the procedure laid down in Articles 4 and 29(1).*

*Justification*

*This amendment seeks to clarify the Commission's proposal in order to avoid any difficulties with the interpretation and implementation of the text.*

**Amendment 10****Proposal for a regulation****Article 1 – point 21 – point d**

Staff Regulations

Article 55 – paragraph 4

*Text proposed by the Commission*

4. The appointing authority of each institution may introduce flexible working-time arrangements. Officials to whom the provisions of the second paragraph of Article 44 apply shall manage their

*Amendment*

4. The appointing authority of each institution may introduce flexible working-time arrangements. Officials **in grade 9 and above who benefit from those arrangements shall not be eligible for full**

working-time without resorting to such arrangements.

***or half working days by way of compensation.***

Or. en

*Justification*

*Flexible working arrangements as a tool of modern human resources are to be welcomed. However, for officials in grades which entail a higher level of responsibilities than grades marking the beginning of a career, this should rather mean that such flexibility is measured in hours and does not lead to the recovery of part or the whole of the working day. It should also be stressed that flexibility in working time should not lead to granting of additional leave above and beyond what is provided for in the Staff Regulations.*

**Amendment 11**

**Proposal for a regulation**

**Article 1 – point 31 – point b**

Staff Regulations

Article 66

*Text proposed by the Commission*

Basic monthly salaries are for each grade and step in function group AST/SC as provided in the following table:

	<i>Step</i>				
Grade	1	2	3	4	5
<b>SC 6</b>	<b>3.844,31</b>	<b>4.005,85</b>	<b>4.174,78</b>	<b>4.290,31</b>	<b>4.349,59</b>
<b>SC 5</b>	<b>3.397,73</b>	<b>3.540,50</b>	<b>3.689,28</b>	<b>3.791,92</b>	<b>3.844,31</b>
<b>SC 4</b>	<b>3.003,02</b>	<b>3.129,21</b>	<b>3.260,71</b>	<b>3.351,42</b>	<b>3.397,73</b>
<b>SC 3</b>	<b>2.654,17</b>	<b>2.765,70</b>	<b>2.881,92</b>	<b>2.962,10</b>	<b>3.003,02</b>
<b>SC 2</b>	<b>2.345,84</b>	<b>2.444,41</b>	<b>2.547,14</b>	<b>2.617,99</b>	<b>2.654,17</b>
<b>SC 1</b>	<b>2.160,45</b>	<b>2.251,24</b>	<b>2.313,87</b>	<b>2.345,84</b>	<b>2.345,84</b>

*Amendment*

Basic monthly salaries are for each grade and step in function group AST/SC as provided in the following table:

	<i>Step</i>				
Grade	1	2	3	4	5
<b>SC 6</b>	<b>4.349,59</b>	<b>4.532,36</b>	<b>4.722,82</b>	<b>4.854,21</b>	<b>4.921,28</b>
<b>SC 5</b>	<b>3.844,31</b>	<b>4.005,85</b>	<b>4.174,78</b>	<b>4.290,31</b>	<b>4.349,59</b>
<b>SC 4</b>	<b>3.397,73</b>	<b>3.540,50</b>	<b>3.689,28</b>	<b>3.791,92</b>	<b>3.844,31</b>

<i>SC 3</i>	<b>3.003,02</b>	<b>3.129,21</b>	<b>3.260,71</b>	<b>3.351,42</b>	<b>3.397,73</b>
<i>SC 2</i>	<b>2.654,17</b>	<b>2.765,70</b>	<b>2.881,92</b>	<b>2.962,10</b>	<b>3.003,02</b>
<i>SC 1</i>	<b>2.345,84</b>	<b>2.444,41</b>	<b>2.547,14</b>	<b>2.617,99</b>	<b>2.654,17</b>

Or. en

*Justification*

*Entry grades in all groups should guarantee recruitment of appropriate staff. In the case of AST/SC this means secretaries who represent a wide range of nationalities and linguistic skills in order to satisfy the requirements of the multinational and multilingual service and to maintain geographical balance. Potential savings have to be balanced here against institutions' obligation to provide a high level of service on a continuous basis. Moreover, most recruited secretaries are female, and it is they who would bear the burden of savings. That could hinder the principle of gender equality. Consequently, the amendment sets the entry grade for the AST/SC category at one level below AST 1 instead of two.*

**Amendment 12**

**Proposal for a regulation**

**Article 1 - point 43 – point a**

Staff Regulations

Annex I – Section A – point 3

*Text proposed by the Commission*

*Amendment*

Secretary/Clerk SC 1 - SC 6  
Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of autonomy<sup>1</sup>

Secretary/Clerk SC 1 - SC 6  
Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of autonomy;

***Parliamentary ushers<sup>1</sup>***

Or. en

*Justification*

*The amendment seeks to ensure that Parliamentary ushers, mentioned in the footnote, also belong to AST/SC function group.*

## Amendment 13

### Proposal for a regulation

#### Article 1 – point 55 – point i

Staff Regulations

Annex XIII – Article 30 – paragraph 2 – point b

*Text proposed by the Commission*

(b) Officials not covered by point (a) who were before 1 May 2004 in the former category B or who were before 1 May 2004 in the former category C or D and have become member of function group AST without restriction shall be classified as Assistant.

*Amendment*

(b) Officials not covered by point (a) who were before 1 May 2004 in the former category B or who were before 1 May 2004 in the former category C or D and have become members of function group AST without restriction, **as well as officials recruited since 1 May 2004**, shall be classified as Assistant.

Or. en

*Justification*

*The proposal sets the limit of the AST career for assistants in transition recruited after 1 May 2004 at grade AST 7. However, in order to participate in the AST competitions they had to demonstrate a much higher level of education than was required previously for the former categories B, C and D and prove knowledge of a third language before their first promotion. In addition, their career prospects at the time of recruitment gave them the possibility to reach grade AST 11 (as was the case of the former category B and those officials of former categories C and D who successfully passed the attestation procedure). Finally, there should be no different treatment or a difference in their reclassification on the basis of the competition in which they participated. Therefore, the amendment seeks to set the limit of their career prospects at grade AST 9.*

## Amendment 14

### Proposal for a regulation

#### Article 1 – point 55 – point i

Regulation Staff Regulations

Annex XIII – Article 30 – paragraph 2 – point e

*Text proposed by the Commission*

***(e) Officials not covered by points (a) to (d) shall be classified on the basis of the grade of the competition that resulted in the list of suitable candidates from which they were recruited. Officials who passed***

*Amendment*

***deleted***

***a competition of grade AST3 or higher shall be classified as Assistants, all other officials shall be classified as Administrative Assistants in transition. The correlation table in Article 13(1) of this Annex shall apply by analogy, irrespective of the date on which the official was recruited.***

Or. en

*Justification*

*See the justification to amendment 13. It is also to be noted that there should be no different treatment or a difference in reclassification of those ASTs on the basis of the competition in which they participated.*

**Amendment 15**

**Proposal for a regulation**

**Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***3. By derogation to paragraph 2, point (e), officials recruited on the basis of a competition at a grade lower than AST 3 may be classified by the appointing authority before 31 December 2015 as Assistants in the interest of the service and upon the basis of the post occupied on 31 December 2012. Each appointing authority shall lay down provisions to give effect to this Article in accordance with Article 110 of the Staff Regulations. However, the total number of Administrative Assistants in transition benefiting from this provision shall not exceed 5% of the Administrative Assistants in transition on 1 January 2013.***      ***deleted***

Or. en

### *Justification*

*This follows from amendments 13 and 14; see the justification to those amendments.*

## **Amendment 16**

### **Proposal for a regulation**

#### **Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 7

#### *Text proposed by the Commission*

7. Officials who were authorised, on the basis of **Article 55(2)(e)** of the Staff Regulations and Article 4 of Annex IVa to the Staff Regulations, to work part time for a period starting before 1 January 2013 and extending beyond that date may continue to work part time under the same conditions during a maximum overall period of five years.

#### *Amendment*

7. Officials who were authorised, on the basis of **Article 55a(2)(e)** of the Staff Regulations and Article 4 of Annex IVa to the Staff Regulations, to work part time for a period starting before 1 January 2013 and extending beyond that date may continue to work part time under the same conditions during a maximum overall period of five years.

Or. en

### *Justification*

*Article 55a(2)(e) is the correct cross-reference. The amendment seeks to correct the mistake.*

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 7 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***7a. For officials whose pensionable age under Article 22 of this Annex is less than 65 years, the period of three years referred to in Article 55a(2)(e) of the Staff Regulations may exceed their pensionable age, without however exceeding the age of 65 years.***



*Justification*

*This amendment seeks to allow officials whose pensionable age under the transitional provisions is lower than 65 years and who would like to continue working beyond that age to be eligible to work part-time before retirement.*

**Amendment 18**

**Proposal for a regulation**

**Article 2 – point 33a (new)**

Conditions of employment

Article 139 – paragraph 1 – point b)

*Text proposed by the Commission*

*Amendment*

***33a. In Article 139, point b) shall be replaced by the following:***

***"b) at the end of the month in which the accredited parliamentary assistant reaches the age of 65 years or, on an exceptional basis, at the date fixed in accordance with the second subparagraph of Article 52(b) of the Staff Regulations;"***

Or. en

*Justification*

*Parliamentary assistants should be given the possibility to work, on an exceptional basis, until the age of 67 years.*

## EXPLANATORY STATEMENT

All institutions and agencies located in the different places of employment in the EU and its delegations in third countries employ about 55 000 officials and other agents. Compared with national or even local administrations in some Member States this number is very small, and becomes even smaller in scale when one takes into consideration the fact that the European institutions serve approximately 501 million EU citizens.

In 2004 the Staff Regulations and the European civil service underwent a substantial reform, aiming at modernising it and making it more cost-effective. That reform will yield a total of EUR 8 billion of savings by the end of 2020. The main reason for and the core of the present Commission proposal is to provide for the new method of salary and pensions adjustment, including application of the exception clause, and the special levy. This is required owing to the expiry of the relevant provisions of the Staff Regulations at the end of 2012 and in order adequately to respond to the judgment of the Court of Justice in Case C-40/10<sup>1</sup>.

Although the changes required by the above expiration date could have been as far as the current proposal to amend the Staff Regulations went, the Commission decided to go beyond these and put forward a number of further modifications. They all fall in the category of various saving measures to be applied together with the new method and special levy.

The rapporteur believes that current reform should touch upon only what has to be changed. The reasons for this are the fact that the main reform of the Staff Regulations, which produced substantial savings, took place few years ago and is still having effects and the necessity strictly to adhere to the calendar for the adoption of the changes currently proposed. It has to be borne in mind that respecting the end of 2012 as the latest possible date for the European Parliament and the Council to reach an agreement is of key importance. Otherwise, with the expiry of the method and special levy, not only will no savings be achieved but also further expenses from the EU budget will have to be incurred.

A final remark needs to be made on the overall context of the current proposal. Preceded by calls for savings to be made by the EU administration, it comes at a time of financial crisis in Europe. Those calls, albeit to be taken seriously and with due consideration, cannot however override the basic considerations concerning the purpose and role of the European civil service. It is vital to strike a balance between savings and the need to ensure that the institutions can perform their tasks and duties in accordance with their obligations and powers under the Treaties. In order to fulfil their Treaty obligations it is indispensable for the institutions to be able to have continuous possibilities of recruiting, and keeping, staff on the basis of value, merits and skills, that is to say, staff who are independent, driven by the European project and its values, highly qualified, multinational, multilingual<sup>2</sup>, and willing to move and work abroad on a permanent basis.

### 1. Core elements of the proposal

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<sup>1</sup> C-40/10 *Commission v Council*, not yet reported in the ECR.

<sup>2</sup> Staff are required to demonstrate the ability to work in 3 official languages of the EU before their first promotion.

The rapporteur welcomes the fact that the Commission presented its proposal before the expiry date of the method and special levy.

In particular the rapporteur agrees with the proposal to base the method on nominal salary changes (instead of real salary changes) in all the Member States, instead of in only some of them, and hopes that the Commission will be able to find a practical solution to the problem of obtaining relevant data from 27 Member States on time. The rapporteur also stresses that the exception clause should refer to the financial crisis. Finally, the rapporteur agrees to the increase in the special levy, renamed "solidarity levy", to the proposed level of 6%.

## **2. Saving measures**

### **2.1 5% staff reduction**

The Commission proposes to reduce the staff of each institution and agency by 5%, which reflects its commitment to savings provided for in the proposal for the multiannual financial framework<sup>1</sup>. Taking into account that, according to the authorised establishment plan staff<sup>2</sup>, in 2011 the institutions and agencies could employ in total 46 678 staff (officials and other agents, excluding contract agents), this would mean a reduction by 2 334 staff members in all categories and a further reduction of about 400 contract agents. The reduction is to take place by 2018 by not replacing a certain number of "natural" departures of staff from the Institutions (owing, e.g., to retirement or end of contract).

It is to be noted that the proposal implies an automatic reduction of 5% of staff by each Institution and agency. While the Commission is right in examining this as a possibility for making savings, it is wrong to claim that it should apply automatically to all the Institutions. This will not prove realistic. Some Institutions might need at best to freeze the existing staff level given the new competences granted to them by the Treaties or resulting from future enlargements, while for others, an actual increase in the number of staff might be necessary in the future<sup>3</sup>. Therefore, more tailor-made solutions will be needed.

The Commission proposal envisages that a link be established between the multiannual financial framework (MFF) and the Institutions' establishment plan by introducing an amendment to Article 6 of the Staff Regulations. That is to secure the obligation to respect the Institutions' and agencies' commitment to reduce the number of staff by 5%. However, the Staff Regulations provide already that "*The establishment plan appended to the section of the budget related to each institution shall indicate the number of posts in each grade and function group.*" It is clear from that provision that the Institutions have to respect in their establishment plans the budgetary commitments arising from the Institutions' budgets, which rely on the general EU budget and, in turn, on the MFF. There is no reason to create an

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<sup>1</sup> Proposal for a Council Regulation laying down the multiannual financial framework for the years 2014-2020 (COM (2011)398).

<sup>2</sup> OJ L 68, 15.3.2011, p. 1.

<sup>3</sup> It should be noted that in the years 2000-2010 the changing tasks of the institutions imposed by the Treaties and the enlargements resulted in the following growth in staff numbers: 21,6% Commission, 34,3% Council, 52,5% European Parliament, 90,8% Court of Justice, 61,1% Court of Auditors, 35,2% EESC, 140% Committee of the Regions.

additional link between the Staff Regulations and the EU financial framework. It should also be noted that heading 5 of the MFF covers "Administrative expenditure of the institutions" which goes well beyond their expenditure related to staff.

Therefore, whilst the rapporteur believes that the Institutions should introduce the necessary savings, the detailed method and choice of resources on which such savings are to be made must be left to the Institutions themselves. They are best placed to indicate exactly and decide where the cuts can be introduced so as to not hamper their proper functioning. A commitment to that end would be more appropriate.

For the reasons stated above the rapporteur therefore suggests not to follow this proposal.

## **2.2 Working conditions**

The rapporteur points out that other savings measures proposed by the Commission relate to conditions of employment and include, for instance:

- a) amendments concerning working time:
  - an increase in working time by introducing a minimum number of working hours (40) without compensation in terms of remuneration,
  - a reduction in the annual travelling time home to 3 days;
- b) amendments to the pension system:
  - an increase in pensionable age from 63 to 65, with a possibility to continue working until 67 years,
  - increasing the age for early retirement from 55 to 58,
  - a reduction in the number of officials benefiting from early retirement from 10% to 5% in all institutions in a given year;
- c) amendments concerning allowances and entitlements:
  - a reduction in annual travel home allowance,
  - an adaptation of the rules on the reimbursement of removal costs,
  - an adaptation of the rules on the reimbursement of mission costs.

Some of those measures have to be seen in the context of the recent adaptations of working conditions put in place in Member States, in particular increases in the retirement age, which reflect current demographic trends throughout the EU. Others, although fulfilling their role of savings measures, cannot really be considered to be key points of the proposed amendments.

A particular proposal is made to give the institutions the possibility to introduce flexible working-time arrangements as a method of modern human resources management. The rapporteur sees the Commission approach as going in the right direction but will explore the need potentially to limit such arrangements with respect to some categories of staff.

## **2.3 Assistants (AST grade) career package**

The 2004 reform created a new structure for the AST career. However, it appears<sup>1</sup> that the

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<sup>1</sup> See also Commission report of 30.3.2011 on equivalence between old and new career structures. Article 6 of the Staff Regulations (COM(2011)171).

salary structure and career system of ASTs require further adjustments.

The Commission initially proposed contractualising staff at the level of secretaries as a remedy. During the initial exchange of views with the Commission and its Vice President M. Šefčovič in the Legal Affairs Committee in July 2011, it was made clear that such proposal would bring a danger of not responding to the needs of the Institutions in terms of securing staff of a particular profile (e.g., linguistic) and thus would not be acceptable. This was also made clear during the social dialogue conducted by the Commission in the run up to the adoption of the formal proposal.

The Commission finally decided to propose a new AST/SC category with the objective of having a lower career for people charged with simpler tasks and duties. It is proposed that this new category will enter the service at a grade that is two grades lower than AST 1. It should be stressed that, while not objecting to the AST/SC category, the rapporteur cannot accept such a low entry grade. It is necessary that entry grades in all categories guarantee the institutions the recruitment of appropriate staff. In this particular case, it is indispensable to guarantee that the Institutions are able to recruit secretaries (in most cases women) representing a wide range of nationalities and linguistic skills to keep up with the requirements of the multinational and multilingual service, which remains the absolute basis of the multinational EU Institutions serving the citizens of the 27 EU Member States. In this context, the preservation of geographical balance in the Institutions is an important factor that cannot be abandoned and has to be particularly taken care of. The ability of the institutions to provide a high level service on a continuous basis has to be balanced in this case against the potential savings. It is also important that the principle of gender equality is properly safeguarded. Therefore, the rapporteur proposes to set the entry grade for the AST/SC category at one level below AST 1.

With respect to the AST grade the rapporteur points to two elements of the proposal. Firstly there is the limit of the AST career to AST 7 for assistants in transition recruited after 1 May 2004. The rapporteur points out that this amounts to a breach of recruitment conditions whereby this group of assistants had a perspective of career up to AST 11. To mitigate that, a limit could be set at grade AST 9. Secondly, the rapporteur suggests taking a careful look at the proposed restructuring of the AST career whereby the two highest grades would be reserved only for staff exercising a significant level of responsibilities.

### **3. Specific points**

The rapporteur has decided to address in the draft report a few points that are specific to some institutions only and have required a solution for some time now. This includes an amendment introducing specific provisions referring to the retirement of parliamentary assistants. To keep up with the institutions' commitment to be an equal opportunities employer, the rapporteur also proposes an amendment to take care of the situation of staff with disabilities