

Staff regulations review – JURI Committee meeting - 25/04/2012

In its meeting of 25 April 2012, the European Parliament's Committee on Legal Affairs (JURI) voted on the draft report presented by the Rapporteur (Mrs Dagmar Roth Behrendt - S&D) and on the opinions of the Committee on Budgets (COBU), Committee on Budgetary Control (CONT) and Committee on Women's Rights and Gender Equality (FEMM).

The JURI report **will be available soon, once the EP has consolidated the amendments and made its linguistic checks.**

Below is a summary of the most important changes to the Commission's legislative proposal (COM 890 - 13/12/2011).

The amendments adopted by the JURI Committee can be divided into 2 categories:

I. Modification of provisions introduced in the Commission legislative proposal:

1. Formal commitment regarding staff cuts

The reference in the original proposals to the obligation for each institution to conform to the inter-institutional agreement (formalising the commitment to cut staff by 5%) is deleted.

2. Assistants in transition: the Commission provided for a transition allowing assistants recruited before 1 January 2013 to reach either grade AST7 or grade AST9. The EP proposes to allow all assistants to reach grade AST9. Access to grades AST10/11 will be possible only through a selection procedure.

3. AST/Secretary/Clerk (SC) function group:

- **grade of recruitment:** possibility for the institutions to decide on the entry grade of staff recruited in the function group AST/SC (from SC1 to SC3 instead of SC1).

- **basic monthly salaries:** AST/SC remuneration increased: AST/SC1 starting salary increased by 9% - AST/SC end of career increased by 13%.

- **careers:** limiting access to the top grades of Senior SC (SC5-SC6) only in case where a SC successfully applies for a different post. SCs would thus be able to advance until grade SC4 without passing a selection procedure.

4. Contract Agents:

- **duration of contract:** limiting the maximum duration of Contract Agents (AC3b) to 5 years instead of 6 years as proposed by the Commission.

- **internal competition:** internal competition may be open to contract staff provided they have worked as contract staff for at least three years for the institution concerned at the closing date for application for the competition.

- **termination of contract:** the period of notice for temporary/contract agents whether for fixed or indefinite period contracts cannot start or shall be suspended during pregnancy duly established by a medical certificate.

5. Flexitime: flexitime compensation may be granted as entire working days only to officials in grades up to AD/AST8. Working time arrangements will not be applicable to managers who shall manage their working-time in agreement with their superior.

6. Age limit before automatic retirement: in the interest of the service, possibility to carry on working until the age of 67, **or on an exceptional basis, until the age of 70.**

7. Annual Trip Home: two and half days of supplementary leave every year, without any distance calculations (for officials entitled to both the expatriation/foreign residence allowance) + limiting the payment of travel expenses only to grades AST/SC 1-6, AST 1-8 and AD 5-8 only or to officials in higher grades who are entitled to both the expatriation/foreign residence allowance and the household allowance.

8. Geographical balance: during a five-year period starting on 1 January 2013, the Commission shall report to the EP and to the Council on possible imbalances between nationalities among officials. Following the expiry of this period, corrective measures may be adopted via delegated acts. Before an institution implements corrective measures, the appointing authority of the institution shall adopt general implementing provisions.

9. Staff serving in a third country:

- **annual leave:** annual leave of three days per month (36 days a year instead of currently 42 days).
- where appropriate, officials serving in third countries **shall undertake to combine their periods of professional training with rest leave.**

II. New elements introduced:

1. Ethical issues:

- **recruitment of officials:** before recruiting an official, the appointing authority examines if the candidate has any personal interest, which may impair his independence. To this end, the candidate must inform the appointing authority of any actual or potential conflict of interest.
- **activities after leaving the service:** during a period of twelve months after leaving the service, former senior officials shall not lobby nor advocate with members or staff of their former institutions for their business, clients or employers on matters for which they have been responsible during the last three years of their active service.
- **leave on personal grounds (CCP):** limiting leave on personal grounds to a maximum of six years (with transition rules) + CCP may not be granted to an official so that they can engage in an occupational activity, whether gainful or not, which will involve lobbying or providing advice on lobbying a Union institution or which could lead to the existence or possibility of a conflict with the legitimate interests of the service.
- **whistleblowing:** every institution shall put in place a procedure for the handling of complaints by officials concerning the way they are treated after and/or in consequence of the fulfilment by them of their obligation under Article 22a and/or Article 22b of the Staff Regulations. The institution concerned shall ensure that such complaints are handled confidentially and, where warranted by the circumstances, before the expiration of the deadlines set out in Article 90.
- **official's obligation to professional secrecy:** in case of proceedings before EP's Committee of Enquiry, the obligations of officials shall be laid down in a specific regulation on Committees of Inquiry to be adopted under Article 226 TFEU.

2. People with disabilities: alignment of the definition of people with disabilities provided in the Staff Regulations with the definition used in the UN Convention on the rights of people with disabilities + possibility for the institutions to adopt measures providing for specific advantages in order to make it easier to prevent or to compensate for disadvantages in their professional careers.

3. Part-time work:

- an official shall be entitled to work part-time to care for a child, until he reaches the age of 14, when the official is a single parent.

- the remuneration of the official shall not be reduced if the part-time working element is less than 5% and it is for the care of a child of 14 years of age or younger.

4. Probationary period: when deciding on the establishment of an official, the appointing authority should rely not only on the report on the probationary period but also on the probationer's conduct with respect to his obligations under Title II (Rights and obligations) of the Staff Regulations. The overall length of the probationary period shall not exceed 9 months (except medical/pregnancy cases).

5. Appraisal: the appraisal report may state the performance level of the official. In case the performance of the official was unsatisfactory, the report shall indicate this.

6. Advancement in step: no automatic advancement in step **if the official's performance has been evaluated as unsatisfactory in the last period's report.**

7. Management allowance: will be granted if an official is appointed Head of Unit, Director or Director General in the same grade, and provided that **his performance has been satisfactory during the first nine months following his appointment.**

8. Secondment in the interest of service: mention that secondment may be terminated at any moment in the interest of the service + mention that official shall take part in the promotion exercise of the parent institution under the same conditions as the other officials of this institution.

9. European schools: mention that the institutions shall strive to offer multilingual and multicultural education for children of their staff + obligation to finance the European Schools from the EU budget + the Commission shall give its prior agreement to the localisation of a new European school.

10. Special leave: introducing additional special leave in cases of exceptional work which goes beyond an official's normal obligations.