



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.05.1998
COM(1998) 312 final

98/0176 (CNS)

Proposal for a

COUNCIL REGULATION (EC)

**amending Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff
Regulations of Officials of the European Communities and the Conditions of
Employment of Other Servants of the Communities**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Since the first direct elections to the European Parliament by universal suffrage in 1979, Article 14 of the Rules governing the expenses and allowances of Members adopted by Parliament has provided for MEPs to be reimbursed the cost of recruiting one or more Parliamentary assistants, at a rate not exceeding the secretarial allowance specified in the Budget of the European Union.

It is for each MEP to decide on the number of assistants he/she requires and the amount of their remuneration, in the light of the qualifications demanded of them and of the legislation applicable by virtue of their contracts.

As employer, the MEP is responsible for affiliating his/her assistant(s) to a social security scheme and for declaring them for income tax under the scheme applicable to the contract.

The effect of enlargement of the Union, of the expanding powers of the European Parliament and of the rising number of MEPs and their assistants (there are now more than 1500) is that the current rules on Parliamentary assistants are becoming more and more complex and differences in treatment are widening as fifteen sets of legislation apply; it would be preferable to harmonise the terms of recruitment and employment of assistants, particularly for those who work at one of the three places where Parliament operates in virtually identical conditions.

To take account of these developments, which would require rules of Community law to govern the situation of assistants, and tighten the controls on spending on them, as called for by Parliament in its own resolutions,¹ provision should be made for them to be covered by the Conditions of Employment of Other Servants as auxiliary staff.

However, an exceptional provision should be made as regards the conditions and duration of recruitment and the level of remuneration, to be determined by internal rules of the European Parliament; this would preserve the independence and autonomy of MEPs to determine the remuneration (still subject to a maximum corresponding to the secretarial allowance to which Parliament's internal rules refer) and the grading of assistants in the light of their specific functions, which are difficult to classify within the duties and remuneration scales currently provided for by the Conditions of Employment of Other Servants.

¹ 21 April 1994 – staff policy of the Community institutions; 27 October 1995 – draft general budget for 1995; 23 May 1996 – estimates for 1997.

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amending Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a single Council and a single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee;

Having regard to the Opinion of the European Parliament,¹

Having regard to the Opinion of the Court of Justice,²

Having regard to the Opinion of the Court of Auditors,³

Whereas the European Parliament's rules of procedure allow Members to engage one or more persons to assist them in the exercise of the functions conferred on them by the Treaties;

Whereas the assistants exercise functions in identical conditions, which warrants their appointment as auxiliary staff pursuant to Article 3 of the Conditions of Employment of Other Servants;

Whereas, in view of the specific functions exercised by Parliamentary assistants and the autonomy of Members of the European Parliament to determine the number of assistants to be recruited and their remuneration, by reference to the secretarial allowance to which they are entitled, they should be subject to specific rules on grading, duration of engagement and level of remuneration on the basis of internal rules to be laid down by Parliament;

Whereas a new Article should accordingly be inserted in Title III of the Conditions of Employment of Other Servants,

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HAS ADOPTED THIS REGULATION:

Article 1

The following new point (c) is inserted in Article 3 of the Conditions of Employment of Other Servants of the Communities:

“(c) staff engaged to act as assistants to one or more Members of the European Parliament for the duration of their term of office;”

Article 2

The following Article is inserted after Article 78 of the Conditions of Employment of Other Servants:

Article 78a

By way of derogation from the provisions of this Title, the conditions and duration of recruitment and the level of remuneration of Parliamentary assistants engaged as auxiliary staff to perform services for one or more Members of the European Parliament shall be determined by the general implementing provisions adopted by the European Parliament.

The budgetary authorities shall be notified of the general implementing provisions determining the level of remuneration, and of any amendments thereto, no later than one month before they enter into force.’

Article 3

This Regulation shall enter into force and take effect on the day following its publication in the Official Journal.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council
The President

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