


# Procedure file

Basic information		
CNS - Consultation procedure Regulation	1998/0176(CNS)	Procedure lapsed or withdrawn
EC staff regulation: EP Members' assistance statute		
Subject 8.40.09 European officials, EU servants, staff regulations		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>JURI</b> Legal Affairs, Citizens' Rights		
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>BUDG</b> Budgets		25/06/1998
		PSE <a href="#">LAIGNEL André</a>	
	<b>REGL</b> Rules of Procedure, Verification of Credentials and Immunities		08/09/1998
		PSE <a href="#">MANZELLA Andrea</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2264</a>	22/05/2000
	<a href="#">General Affairs</a>	<a href="#">2168</a>	21/03/1999
European Commission	Commission DG	Commissioner	
	<a href="#">Human Resources and Security</a>	KALLAS Siim	

Key events			
15/05/1998	Legislative proposal published	COM(1998)0312	Summary
19/06/1998	Committee referral announced in Parliament		
23/09/1998	Additional information		Summary
23/02/1999	Vote in committee		Summary
23/02/1999	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0098/1999</a>	
10/03/1999	Debate in Parliament		
11/03/1999	Decision by Parliament	T4-0174/1999	Summary
21/03/1999	Debate in Council	<a href="#">2168</a>	
22/05/2000	Resolution/conclusions adopted by		Summary

Technical information	
Procedure reference	1998/0176(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 336
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/4/10194

Documentation gateway					
Legislative proposal		COM(1998)0312 <a href="#">OJ C 179 11.06.1998, p. 0016</a>	15/05/1998	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A4-0098/1999</a> <a href="#">OJ C 175 21.06.1999, p. 0005</a>	23/02/1999	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0174/1999 <a href="#">OJ C 175 21.06.1999, p. 0183-0249</a>	11/03/1999	EP	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

## EC staff regulation: EP Members' assistance statute

**OBJECTIVE:** establish specific rules for parliamentary assistants recruited by members of the European Parliament. **SUBSTANCE:** according to the rules governing the expenses and allowances of Members (Article 14) each member is entitled to recruit 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 legislation applicable by virtue of the contracts, as an employer the MEP is responsible for affiliating his/her assistant(s) to a social security scheme and 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 the rising number of MEPs and their assistants (there are now more than 1500) is that the current rules on parliamentary assistance are becoming more and more complex and differences in treatment are widening as 15 sets of legislation apply. It is therefore necessary to harmonize the terms of recruitment and employment of assistants, particularly since those concerned work within a European Institution in virtually identical conditions. It is for this reason that the Commission proposed that parliamentary assistants should be covered by the conditions of employment of other servants as auxiliary staff. However, in order to preserve the independence and autonomy of MEPs and to determine the remuneration (still subject to the maximum corresponding to the secretarial allowance) and the grading of the assistants in the light of their specific functions (which are difficult to classify within the remuneration scales currently provided for by the conditions of employment of other servants), an exceptional provision should be made as regards the conditions and duration of recruitment and the level of remuneration of parliamentary assistance which will be determined by internal rules of the European Parliament.?

## EC staff regulation: EP Members' assistance statute

In an opinion dated 23 September 1998, the Court of Auditors gives its opinion on the validity and appropriateness of the new Staff Regulations proposed by the Commission, with particular regard to the status of Members' assistants in the European Parliament. The Court has no doubt that the current hybrid status of Members' assistants is insecure and inappropriate. It therefore welcomes the Commission's initiative to propose a new Regulation for assistants similar to the current Regulation for auxiliary staff in the Communities. However, the Court considers that this new Regulation raises a number of problems: 1) The proposed system is optional and not universal: the Commission text indicates that it is concerned with the 'possibility' of giving assistants the status of auxiliaries, and not that this would be obligatory. The Court considers this legal uncertainty unacceptable. 2) The effect of this proposal on the budget is unknown: the Financial Regulation applicable to the Community's general budget normally stipulates that a financial statement must be included in any proposal with significant financial implications. The Commission proposal does not include a financial statement, and the proposal would have undeniable effects on the budget. 3) Harmonisation of the proposed system with the situation of parliamentary assistants: the Court does not consider that parliamentary assistants should be equated with auxiliary staff, who by their nature do not have a clearly-defined task. Assistants would be employed for a clearly specified time (one or more parliamentary terms) to carry out specified tasks. In other words, the Court considers that this regulation is not appropriate for the specific situation of Members' assistants. It takes the view that Members' assistants should have their own staff

regulations, corresponding with the actual nature of their duties and allowing harmonised and transparent management. This would require first a better definition of the role of assistants (member of the institution's staff or member of staff employed by one of its Members) and there must be agreement on the particular characteristics of assistants. Therefore a new category should be created of officials contracted to the Communities with their own conditions of employment. It would thus be possible to take full account of the special nature of assistants' duties, without distorting the conditions applicable to another category of staff, while providing them with all the regulatory guarantees entailed by their inclusion in the regulation applicable to other servants. ?

## EC staff regulation: EP Members' assistance statute

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With nine votes in favour, none against and with eleven abstentions the Committee approved, subject to a number of amendments, a Commission proposal aimed at regulating the conditions of employment for Members' assistants. After the vote, the rapporteur Mr Klaus-Heiner LEHNE (EPP, D) acknowledged that there were contradictions amongst the amendments adopted and that these would have to be sorted out in time for Plenary. This analysis was widely shared by committee members. The main point of difference between Members was regarding the extent to which the employment conditions should be laid down in the Staff regulations of the EC.?

## EC staff regulation: EP Members' assistance statute

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The Parliament approved the text of the Commission's proposal subject to some amendments. Parliament's rapporteur was Mr. Klaus-Heiner LEHNE (EPP, D). One of the amendments deals with general implementing provisions governing in particular : - general working conditions, including recruitment and dismissal, - remuneration, - conditions of affiliation to social security and pension schemes, - place of work, - confidentiality, - the prohibition of outside activities, including lobbying, - the prohibition of discrimination against citizens of countries that do not belong to the EU, - disputes between employers and employees and the exclusion of the European Parliament's liability for the employment relationship. Another amendment states that the annual allowance for assistants is intended for the remuneration of assistants and other staff, their salaries being paid directly by the Parliament on the instructions of the Member. A further article was added by the Parliament. This governs the details that should be included in the contract of employment.?

## EC staff regulation: EP Members' assistance statute

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The Council adopted the following conclusions concerning the proposal for a Council regulation on terms and conditions of employment of parliamentary assistants :

The Council undertook a detailed examination of the proposal, in particular in the light of the amendments suggested by the European Parliament and the comments made by the Court of Auditors in their Opinions delivered on 11 March 1999 and 23 September 1998 respectively. In that context, it appears that none of the delegations within the Council is able at this stage to approve the proposal as submitted by the Commission on 19 May 1998. Consequently, the Council considers that the Commission could discuss the possibility of re-examining its proposal with due regard for the Opinions delivered by the other institutions on examination of the initial proposal.

The Council is 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 would point out that on 26 April 1999, 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.

Having regard to the above factors and pending a new proposal from the Commission, the Council supports the initiatives which the European Parliament has taken in that connection. In particular, it welcomes the measures adopted by Parliament's Bureau on 10 April 2000, which are due to come into force by 1 January 2001.

The Council therefore encourages the European Parliament to proceed with this temporary solution, which will help to improve the situation of parliamentary assistants even though it does not definitively regulate all aspects of that situation.