

# Staff Regulations of European Union officials: amendment of the Regulations

2011/0455(COD) - 02/07/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 522 votes to 150, with 39 abstentions, a 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.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the Commission proposal as follows:

**Maintaining highly qualified staff:** it is recalled that the EU 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.

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, and with due regard to gender balance.

The measures to select staff must be justified and shall never result in recruitment criteria other than those based on merit.

**Automatic update mechanism for staff pay (the method):** in the interest of guaranteeing that the purchasing power of officials and other servants of the European Union develops in parallel with that of national civil servants in central governments of the Member States, it is essential to preserve the principle of a multi-annual mechanism for pay update, known as the method, by ensuring its application until the end of 2023 with a review at the beginning of 2022, while including a mechanism for the provisional prolongation of the method.

Moreover, in order to remedy the difficulties with the application of the method in the past, provision should be made for a method to allow for an annual update of all salaries, pensions and allowances in an automatic manner, including an automatic crisis clause. To this effect, the relevant amounts contained in the Staff Regulations and the Conditions of Employment of Other Servants of the European Union should be understood as reference amounts which will be subject to a regular and automatic update. Those updated amounts should be published by the Commission in the C series of the Official Journal of the European Union for information purposes.

The new method of automatic update of remuneration shall be calculated on the basis of actual sample salaries of 11 Member States: Belgium, Germany, Spain, France, Italy, Luxembourg, Netherlands, Austria, Poland, Sweden and United Kingdom and on the use of a joint index made up of the Belgian and Luxembourg systems of price inflation.

**Solidarity levy on staff remunerations:** the potential advantages for officials and other servants of the European Union of the application of the method should be balanced by the reintroduction of the system of a levy. As in the case of the method, the application of the solidarity levy may be provisionally prolonged. Such a solidarity levy should thus apply to all officials and other servants of the Union as from 1 January 2014.

**Temporary suspension of the method:** in order to respond to the future budgetary constraints as well as to show solidarity of the European civil service with the severe measures taken by Member States as a result of the unprecedented financial crisis and the particularly difficult social and economic context in the Member States and the Union as a whole, it is necessary to provide for the suspension of the method for two years (2013-2014) for all remuneration, pensions and allowances of officials and to apply the solidarity levy despite such suspension.

**Retirement age raised:** the retirement age is raised from 63 to 66 for the new staff and to 65 for those already recruited. The pension age should also be made more flexible by making it easier for staff to continue to work voluntarily until the age of 67 and by making it possible, in exceptional circumstances and under specific conditions, to work until the age of 70.

**Career development:** it is appropriate that promotion to a higher grade should be made conditional on personal dedication, improving skills and competences, and performing duties whose importance justifies the official's appointment to that higher grade. The minimum of two years in the grade before promotion of an official to the next higher grade is maintained in order to allow for faster promotions for high performers. Each institution should ensure that its internal human resources policies use the possibilities provided in the Staff Regulations to allow for appropriate careers of high potential and high performing officials.

**Improve the transparency of staff costs:** provisions have been introduced to simplify and make more transparent all staff costs of all categories of staff across the institutions and agencies.

The rules on annual travelling time and annual payment of travel expense between the place of employment and the place of origin should be modernised, rationalised and linked with expatriate status in order to make their application simpler and more transparent. In particular, the annual travelling time should be replaced by home leave and limited to a maximum of two and a half days.

**Strengthen independent professional ethics:** Title II of the Staff Regulations, which provides a framework for rights and obligations, should be further clarified. Any failure by officials or former officials to comply with these obligations should make them liable to disciplinary action.

**Probationary period:** officials should serve a nine-month probationary period. A report should be made at the end of the probationary period.

**AST/SC Staff:** With a view to adjusting career structures in the current domains of AST staff even further to different levels of responsibility and as an indispensable contribution to limiting administrative expenses, a new function group AST/SC for secretarial and clerical staff should be introduced. Salaries and promotion rates should establish a suitable correspondence between the level of responsibility and the level of remuneration.

The Commission should assess and report on the scale and effects of introducing this new function group, taking particular account of the situation of women, so that the preservation of a stable and comprehensive European civil service can be ensured.

AD Staff: the career stream in the AD and AST function groups should be restructured in such a way that the top grades will be reserved for a limited number of officials exercising the highest level of responsibilities. Therefore administrators can only progress as far as grade AD 12 unless they are appointed to a specific post above that grade, and grades AD 13 and 14 should be reserved for those staff whose roles entail significant responsibilities. Similarly, officials in grade AST 9 can be promoted to grade AST 10 only in accordance with the procedure laid down in the Staff Regulations.

Staff employed in third countries: it is appropriate to modernise working conditions for staff employed in third countries and to render them more cost-effective while generating cost savings, annual leave entitlements should be adjusted, and a possibility to include a wider range of parameters to fix the allowance for living conditions should be provided without effecting the overall aim of generating cost savings. The conditions of granting the accommodation allowance should be revised to take better account of local conditions and to diminish administrative burden.

Disabled staff: measures have been introduced to take account the principle of equal treatment which 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.

Conflicts of interest: new measures are introduced in order to stress that an official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or their national service and in respect of such service. Before recruiting an official, the appointing authority shall examine whether the candidate has any personal interest such as to impair his independence or any other conflict of interest. To that end, the candidate shall inform the appointing authority using a specific form of any actual or potential conflict of interest.

Leaving the service: the official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof using a specific form. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the appointing authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit.

In the case of former senior officials as defined in implementing measures, the appointing authority shall, in principle, prohibit them, during the twelve months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

Leave in the interests of the service: maximum five years before the official's pensionable age, an official with at least ten years of service may be placed by decision of the appointing authority on leave in the interests of the service for organisational needs linked to the acquisition of new competences within the institutions. The total number of officials placed on leave in the interests of the service each year shall not be higher than 5% of the officials in all institutions who retired the previous year. Such leave shall not constitute a disciplinary measure. However, in exceptional situation, the appointing authority may decide to put an end to the leave and reinstate the official. A series of rules are provided to lay down the framework for this new type of leave.

European schools: in order to facilitate recruitment on the broadest geographical basis, the institutions should strive to support multilingual and multicultural education for the children of their staff. It is desirable that a contribution of the Union to the financing of the European schools. The Commission should be able to ask the responsible authorities to reconsider the location of a new European school.

Report: the Commission shall, by 31 December 2020, submit a report to the European Parliament and to the Council assessing the functioning of these Conditions of Employment of Other Servants. Further technical report should evaluate the impact of the amendments made in the annexes to the statutes.

Other technical provisions: other provisions have been revised such as:

- adapt working conditions so as to reconcile working life with family life;
- the system of financing the pensions of officials of agencies of the Union which do not depend entirely on the EU budget, so that in 2016 they provide part of the financing of pensions without involving the EU budget;
- opening some internal competitions to contract staff;
- the procedure for granting leave for personal reasons, parental leave or other special leave;
- procedures for evaluating staff;
- procedures for promotion of employees;
- improvement of working conditions of officials to enable them to go part-time in order to care for a child until the age of 14;

It should be noted that all of the annexes have also been amended in the light of the above-mentioned modifications.