



European Communities

EUROPEAN PARLIAMENT

# SESSION DOCUMENTS

English Edition

3 October 1990

SERIES A

DOCUMENT A3-0243/90

\*

## S E C O N D R E P O R T

drawn up on behalf of the Committee on Legal Affairs and  
Citizens' Rights

on the proposal from the Commission to the Council for a  
regulation amending the Staff Regulations of officials  
and the conditions of employment of other servants of the  
European Communities (COM(88) 776 - Doc. C 3-46/89)

Rapporteur: Mr K. MALANGRÉ

DOC\_EN\RR\96128

PE 143.475/fin.  
Or. Fr.

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

\*

= Consultation procedure requiring a single reading

\*\*II

= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

\*\*I

= Cooperation procedure (first reading)

\*\*\*

= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

C O N T E N T S

|   | <u>Page</u> |
|---|-------------|
| Procedural page .....                         | 3           |
| Amendments to the Commission's proposal ..... | 4           |
| DRAFT LEGISLATIVE RESOLUTION .....            | 11          |
| OPINION of the Committee on Budgets .....     | 12          |

By letters of 7 February 1989 and 26 July 1989 the Council consulted the European Parliament on the proposal from the Commission for a Council regulation amending the Staff Regulations of officials and the conditions of employment of other servants of the European Communities (OJ No. C 44 of 1989, p.9).

On 27 July 1989 the European Parliament referred this proposal to the Committee on Legal Affairs and Citizens' Rights as the committee responsible and to the Committee on Budgets for its opinion.

On 20 April 1989 the Committee on Legal Affairs and Citizens' Rights appointed Mr MALANGRÉ rapporteur. At its constituent meeting of 27 July 1989 the Committee on Legal Affairs and Citizens' Rights confirmed Mr MALANGRÉ's appointment as rapporteur.

On 25 January 1990 the Committee on Legal Affairs and Citizens' Rights adopted a first report on the Commission's proposal (Doc. A3-19/90). On 5 April 1990 the European Parliament agreed to a request for this first report to be referred back to committee pursuant to Rule 103 of the Rules of Procedure.

At its meetings of 18/19 June 1990 and 26-28 September 1990 the Committee on Legal Affairs and Citizens' Rights reconsidered the Commission's proposal. At the latter meeting the Committee on Legal Affairs and Citizens' Rights adopted the draft legislative resolution contained in the second report unanimously.

The following took part in the vote: Graf Stauffenberg, chairman; Vayssade and Rothley, vice-chairmen; Malangré, rapporteur; Hoon, Mebrak-Zaidi, Elliott, Medina Ortega, Garcia Amigo, Inglewood, Tazdait, Lauga and Gollnisch.

The explanatory statement will be delivered orally in plenary by the rapporteur.

The opinion of the Committee on Budgets is attached.

The report was tabled with sessional services on 1 October 1990.

The deadline for tabling amendments to this report will appear on the draft agenda for the part-session at which it is to be considered.

Proposal from the Commission for a Council regulation amending the Staff Regulations of officials and the conditions of employment of other servants of the European Communities

Text proposed by the Commission of the European Communities\*

Amendments tabled by the Committee on Legal Affairs and Citizens' Rights

---

Title, preamble and first three recitals unchanged

Amendment No. 1

Fourth recital

Whereas the arrangements governing the probationary period should be adjusted to enable the probationer's merits to be assessed more accurately; whereas the duration of the probationary period should therefore be increased;

Fourth recital

Whereas the arrangements governing the probationary period should be adjusted to enable the probationer's merits to be assessed more accurately; (11 words deleted)

Remaining recitals unchanged

Amendment No. 2

Article 1

1. The following third paragraph is added to Article 2:

'However, two or more institutions may entrust to one of them or to an interinstitutional body the exercise of the powers conferred on the appointing authority in respect of recruitment and of the social security and pension schemes.'

Article 1

1. The following third paragraph is added to Article 2:

'However, two or more institutions may entrust to one of them or to an interinstitutional body the exercise of the powers conferred on the appointing authority in respect of (4 words deleted) social security and pension schemes.'

Paragraphs (2) and (3) unchanged

Article 2 unchanged

---

\* Complete text: OJ No. C 44 of 23.2.1989, p.9

Amendment No. 3

Article 3

Article 2 of Annex II is replaced by the following:

'Article 2

The joint committee or committees of an institution shall consist of:

- a chairman appointed each year by the appointing authority,
- members and alternates appointed at the same time in equal numbers by the appointing authority and by the Staff Committee.

The common joint committee for one or more institutions shall consist of:

- a chairman appointed by the appointing authority referred to in the third paragraph of Article 2 of the Staff Regulations,
- members and alternates appointed in equal numbers by the appointing authorities of the institutions represented on the common joint committee and by the Staff Committees.

The procedures for instituting the common joint committee shall be adopted by agreement between the institutions represented on the common joint committee, after consulting their Staff Committee.

An alternate shall sit only in the absence of a member.

Article 3

Article 2 of Annex II is replaced by the following:

'Article 2

The joint committee or committees of an institution shall consist of:

- a chairman appointed each year by the appointing authority,
- members and alternates appointed at the same time in equal numbers by the appointing authority and by the Staff Committee.

The common joint committee for one or more institutions shall consist of:

- a chairman appointed by the appointing authority referred to in the third paragraph of Article 2 of the Staff Regulations,
- members and alternates appointed in equal numbers by the appointing authorities of the institutions represented on the common joint committee and by the Staff Committees; each institution concerned shall have an identical number of representatives from the administration and the Staff Committee.

The procedures for instituting the common joint committee shall be adopted by agreement between the institutions represented on the common joint committee, after consulting their Staff Committee.

An alternate shall vote only in the absence of a member.

Amendment No. 4

Article 4

In Annex II, the following Article 3a is inserted:

'Article 3a

The common joint committee shall meet at the request either of the appointing authority referred to in the third paragraph of Article 2 of the Staff Regulations or of an appointing authority or a Staff Committee of one of the institutions represented on that joint committee.

The proceedings of the common joint committee shall be valid only if all members or, in their absence, their alternates are present.

The chairman of the common joint committee shall not vote save on questions of procedure.

The opinion of the common joint committee shall be communicated in writing to the appointing authority within the meaning of the third paragraph of Article 2 of the Staff Regulations, to the other appointing authorities and to their Staff Committees within five days of its adoption.

Any member of the common joint committee may require that his views be recorded in the opinion of the joint committee.'

Article 4

In Annex II, the following Article 3a is inserted:

'Article 3a

First paragraph unchanged.

The proceedings of the common joint committee shall be valid only if all members or their alternates are present.

Third paragraph unchanged.

Fourth paragraph unchanged.

Fifth paragraph unchanged

Article 5 unchanged

Amendment No. 5

Article 6

The following new second paragraph is inserted in Article 3 of Annex III:

'For open competitions common to two or more institutions, the Selection Board shall consist of a chairman appointed by the appointing authority referred to in the third paragraph of Article 2 of the Staff Regulations and of members appointed by the appointing authority referred to in the third paragraph of Article 2 of the Staff Regulations on a proposal from the institutions, as well as of members appointed by agreement between the Staff Committees of the institutions.'

The second and third paragraphs become the third and fourth paragraphs respectively.

Article 7 unchanged

Article 8

Article 34 is replaced by the following:

'Article 34

1. Officials other than those in grades A 1 and A 2 shall serve a probationary period before they can be established. The period shall be nine months for officials in all categories or grades.

Article 6

The following new second paragraph is inserted in Article 3 of Annex III:

'For open competitions common to two or more institutions, the Selection Board shall consist of a chairman appointed by the appointing authority referred to in the third paragraph of Article 2 of the Staff Regulations and of members appointed by the appointing authority referred to in the third paragraph of Article 2 of the Staff Regulations on a proposal from the institutions, as well as of members appointed by agreement, and on a joint basis, between the Staff Committees of the institutions. Each institution shall have an identical number of representatives from the administration and the Staff Committee.

The second and third paragraphs become the third and fourth paragraphs respectively.

Amendment No. 6

Article 8

Article 34 is replaced by the following:

'Article 34

1. Officials other than those in grades A 1 and A 2 shall serve a probationary period before they can be established. The period shall be nine months for officials in category A, the language service, and category B and six months for all other officials.

(Remainder unchanged)

Article 9 unchanged

Amendment No. 7

Article 10

Article 10

Article 45 is amended as follows:

Article 45 is amended as follows:

1. Paragraph 2 is replaced by the following:

1. Paragraph 2 is replaced by the following:

'2. An official may move to a higher category only following a competition;'

'2. An official may move to a higher category only following a competition;'

2. The following paragraph 3 is added:

2. The following paragraph 3 is added:

'3. An official may move from the Language Service to category A and vice versa by straightforward transfer not involving a competition, subject to a ceiling set each year by the institution concerned following consultation of the joint committee.'

'3. An official may move from the Language Service to category A and vice versa by straightforward transfer not involving a competition, subject to an annual ceiling fixed, as necessary, by each institution, after the joint committee has delivered its opinion. Each institution shall draw up as necessary the general provisions for giving effect to these Staff Regulations provided for in Article 110.'

Article 11 unchanged

Amendment No. 8

Article 12

Article 12

Article 3 of Annex VII is amended as follows:

1. in the second paragraph 'or compulsory' is inserted between 'primary' and 'educational establishment'; Article 3 of Annex VII is amended as follows:

1. Paragraph unchanged



2. the first indent of the third paragraph is replaced by the following:

'- an official whose place of employment is at least 50 kilometres from a European School, provided that the language of the place of employment is not the child's main language';

3. the following new indent is inserted after the first indent of the third paragraph:

'- an official whose child, for imperative educational reasons duly supported by evidence, must have primary or secondary level schooling other than that provided in a European School, adapted to his particular needs.';

4. the second indent of the third paragraph becomes the third indent. 'In the country of which he is a national or working in his language' is replaced by 'working in the child's main language' and 'the country of which the official is a national' is replaced by 'the country of employment.';

5. the following paragraph is inserted after the third paragraph:

'Exceptionally, the maximum prescribed in the first paragraph may be quadrupled in the case of the official referred to in the second indent of the third paragraph if he can prove that his child's education involves a heavy financial burden.';

2. the first indent of the third paragraph is replaced by the following:

'- an official whose place of employment is at least 50 kilometres from a European School, provided that the language of the place of employment is not the child's mother tongue.';

3. Paragraph unchanged

4. the second indent of the third paragraph becomes the third indent. (24 words deleted)  
'The country of which an official is a national' is replaced by 'the country of employment'.

5. Paragraph unchanged

6. the following paragraph is inserted after the fourth paragraph:

'An official in receipt of a retirement pension, an invalidity pension, the allowances provided for in Articles 41 and 50 of the Staff Regulations or the allowance provided for in Article 4 of Council Regulation (ECSC, EEC, Euratom) No. 3518/85 shall continue to receive the education allowance to which he was entitled on the day preceding termination of service or temporary suspension of active employment, for a maximum period of three years from that date, subject to the same conditions, with the exception of the conditions relating to entitlement to the expatriation allowance.'

6. the following paragraph is inserted after the fourth paragraph:

'An official in receipt of a retirement pension, an invalidity pension, the allowances provided for in Articles 41 and 50 of the Staff Regulations or the allowance provided for in Article 4 of Council Regulation (ECSC, EEC, Euratom) No. 3518/85 shall continue to receive the education allowance to which he was entitled on the day preceding termination of service or temporary suspension of active employment, for a maximum period of three years from that date, subject to the same conditions, with the exception of the conditions relating to entitlement to the expatriation allowance. After that period, he shall be entitled to the basic educational allowance.'

Articles 13 and 14 unchanged

## DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a regulation amending the Staff Regulations of officials and the conditions of employment of other servants of the European Communities

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(88) 776)<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 24 of the Treaty establishing a single Council and a single Commission of the European Communities (Doc. C3-46/89),
  - having regard to the second report of the Committee on Legal Affairs and Citizens' Rights and the opinion of the Committee on Budgets (Doc. A3-243/90),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
  2. Calls on the Commission to amend its proposal accordingly;
  3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  5. Instructs its President to forward this opinion to the Council and Commission.

---

<sup>1</sup> OJ No. C 44 of 23.2.1989, p. 9

OPINION OF THE COMMITTEE ON BUDGETS

Letter from the Chairman of the committee to Mr STAUFFENBERG, Chairman of the Committee on Legal Affairs and Citizens' Rights

---

Subject : Opinion of the Committee on Budgets on the proposal for a Council regulation amending the Staff Regulations of officials and the conditions of employment of other servants of the European Communities  
(COM(88) 776 final - Doc. C 3-46/89)

Dear Mr Stauffenberg,

The Committee on Budgets considered the above proposal at its meeting of 4 December 1989.

The members of the Committee on Budgets note that the budgetary aspects of this proposal concern only the education allowance, the rules relating to which have been slightly amended, resulting in an overall annual increase estimated at approximately 300.000 ECUs.

The members of the Committee on Budgets are not therefore opposed to this proposal from the budgetary viewpoint.

Yours sincerely,

Thomas von der VRING

Present: van der VRING, Chairman; CORNELISSEN, second Vice-Chairman; BÖGE, COLOM i NAVAL, ELLES, HORY, KELLETT-BOWMAN, LO GIUDICE, LÜTTGE, PASTY and THEATO