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Report

drawn up on behalf of the Committee on Budgets

on the educational allowance for local staff
(Doc. 451/77)

Rapporteur : Mr M. COINTAT

PE 53.213/fin.

1.2.1

In December Parliament was asked for its opinion on the motion for a resolution tabled by Mr BREGEGERE et al. pursuant to Rule 25 of the Rules of Procedure (Doc. 451/77 of 23 December 1977).

On 15 December 1977 the President of the European Parliament referred this motion for a resolution to the Committee on Budgets.

On 19 April 1978 the Committee on Budgets appointed Mr COINTAT rapporteur.

It considered the draft report at its meeting of 27 April 1978 and unanimously adopted the motion for a resolution and the explanatory statement by 11 votes.

Present: Mr Lange, chairman; Mr Cointat, vice-chairman and rapporteur; Mr Dalyell, Mr Dankert, Mr Früh, Mr Meintz, Mr Ryan, Mr Ripamonti, Mr Scott-Hopkins, Mr Shaw and Mr Spinelli.

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The Committee on Budgets hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on the education allowance for local staff

The European Parliament,

- having regard to Article 79 of the Conditions of Employment of Other Servants of the European Communities,
- having regard to Article 15(2) of the Regulation laying down the Conditions of Employment of Local Staff in Luxembourg,
- having regard to the report of the Committee on Budgets (Doc. 94/78),

Calls on the Bureau, in the exercise of its powers under Rule 49(3) of the Rules of Procedure, to make a study grant available from 1 January 1978 to local staff employed by the Institution, in accordance with the current practice in Luxembourg.

EXPLANATORY STATEMENT

1. The Conditions of Employment of Other Servants of the European Communities form part of the Staff Regulations applicable to Officials and Other Servants of the European Communities. Article 79 of these conditions reads as follows:

'Subject to the provisions of this Title, the conditions of employment of local staff, in particular:

- (a) the manner of their engagement and termination of their contracts;
- (b) their leave and
- (c) their remuneration

shall be determined by each Institution in accordance with current rules and practice in the place where they are to perform their duties'.

2. This means that:

- each Institution is free, within certain limits, to decide on remuneration and other benefits, but must base its decision on the current rules and practice in the place where local staff perform their duties; and
- benefits for local staff may not be based on the allowances paid to officials of the European Communities.

3. Article 15(2) of the Conditions of Employment of Local Staff referred to in the motion for a resolution reads as follows:

'By specific decision of the employing authority and after the Joint Committee and the Staff Regulations Committee have been consulted other allowances, such as an education allowance, may be granted.'

This clause, which is secondary to Article 79 of the Conditions of Employment of Other Servants of the European Communities, means that:

- the Bureau as the employing authority under Rule 49(3) of the Rules of Procedure may, but does not have to, grant an education allowance;
- in other words Article 15(2) does not impose a legal obligation to grant an education allowance.

4. Since an education allowance of the type provided for in the Staff Regulations of Officials of the European Communities does not form part of the current labour rules or practice in Luxembourg, on the basis of which benefits for local staff must be determined, it follows that such an allowance cannot be paid to local staff of the European Parliament.

5. However, it is the practice in Luxembourg to provide study grants. For this reason the Bureau should also make provision, in accordance with Article 79, for such study grants to be made available to local staff at the European Parliament. However, it would run counter to the principle of the annuality of budgetary expenditure to backdate such study grants further than the beginning of the current financial year.

MOTION FOR A RESOLUTION

tabled by Mr BREGEGERE, Mr CARPENTIER, Mr DONDELINGER, Mr GUERLIN, Mr LAGORCE, Mr LEZZI, Mr SPENALE, pursuant to Rule 25 of the Rules of Procedure, on the education allowance for local staff (Doc. 451/77)

The European Parliament,

- having regard to the need to harmonize the conditions of pay of staff in its employment,
- having regard to Article 15(2) of the regulation laying down the conditions of employment of local staff working in Luxembourg,
- deploring that the Staff Regulations Committee is unable to produce an opinion requested by the European Parliament's Staff Committee on the granting of an education allowance to local staff employed in its departments in Luxembourg,
- regretting the dilatory tactics of Commission representatives in this matter,

Decides to grant, with effect from 1 January 1976, an education allowance to local staff of an amount equal to that paid to established officials (less the amount of any similar allowance which they may be receiving in their places of residence or from the employers of their spouses).