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SUPPLEMENTARY REPORT

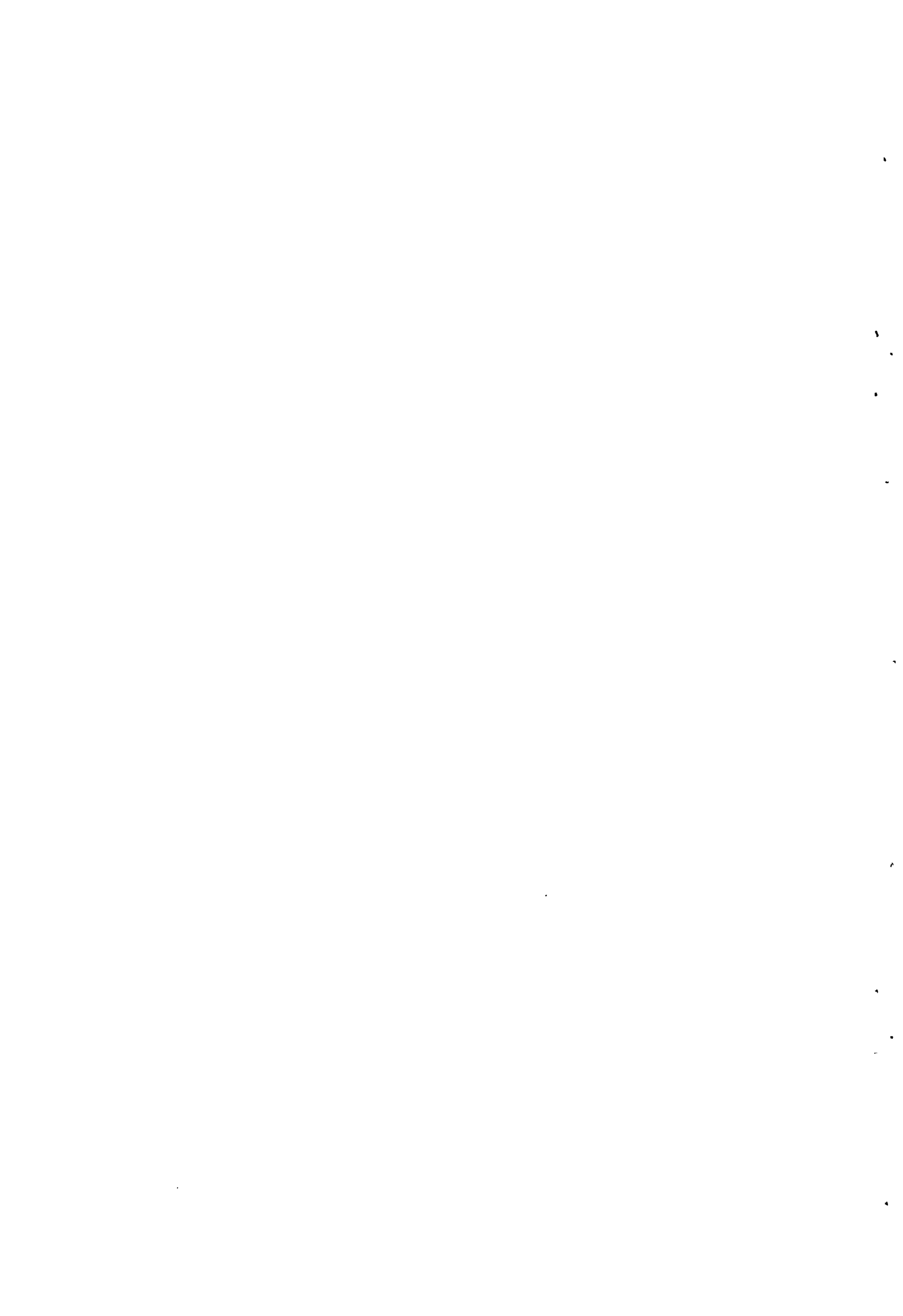
drawn up on behalf of the Committee on Budgets

on the proposal from the Commission of the European Communities to the Council (Doc. 391/75) for a regulation amending Council Regulation 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

Rapporteur: Miss C. FLESCH

1.2.1

PE 44.092/fin.



By letter of 14 November 1975, the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a regulation amending Council Regulation 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 President of the European Parliament referred this proposal to the Committee on Budgets as the committee responsible and to the Committee on Energy, Research and Technology for its opinion.

On 20 January 1976 the Committee on Budgets confirmed the appointment of Miss FLESCH as rapporteur.

It considered this proposal at its meetings of 20 and 28 January 1976.

At its meeting of 28 January 1976, the committee unanimously adopted the motion for a resolution.

When the motion for a resolution was discussed in plenary sitting on 13 February 1976, the report was referred back to committee, at the request of the chairman of the Committee on Budgets, pursuant to Rule 26 of the Rules of Procedure.

At its meeting of 18 March 1976, the Committee on Budgets unanimously adopted the following supplementary report, in which account is taken of the position of the Committee on Energy, Research and Technology, which had been asked for its opinion.

Present: Mr Lange, chairman; Mr Aigner, vice-chairman; Miss Flesch, rapporteur; Mr Artzinger, Mr Bangemann, Lord Bruce of Donington, Mr Concas, Mr Früh, Mr Gerlach, Mr Lautenschlager, Mr Shaw and Mr Yeats.

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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

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a regulation amending Council Regulation 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 European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council (Doc. 391/75),
 - having regard to the report of the Committee on Budgets and the opinion of the Committee on Energy, Research and Technology (Doc. 515/75), and the supplementary report (Doc. 37/76),
1. Draws attention to the essential role played by the European public service in the construction and development of the European Communities;
 2. Approves the modification of the conditions of employment of other servants of the European Communities which basically allows for a greater mobility of research staff, which is also determined by decisions on programmes, while providing for the abolition of existing discrimination against the establishment staff and local staff categories of the JRC;
 3. Takes note of the Commission's statement to the effect that the modifications proposed will be restricted to the conditions of employment of other servants of the Communities, and that within the framework of these conditions of employment the acquired rights of the staff currently in employment will be safeguarded;
 4. Amends the Commission's proposal in order to emphasize that the new conditions of employment proposed for staff remunerated from research appropriations shall not under any circumstances constitute a precedent for the European public service and invites the Commission to adopt these amendments pursuant to the second paragraph of Article 149 of the EEC Treaty.

¹ OJ No. C 284, 12.12.1975, p.2

Proposal for a regulation amending Council
Regulation 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

First five paragraphs of the preamble unchanged

WHEREAS certain amendments should
be made to the conditions of employ-
ment of other servants of the
European Communities so that they can
more aptly be applied to staff paid
from the research and investment
appropriations,

WHEREAS, without prejudice to the
principles of the Staff Regulations of
Officials, certain amendments should
be made to the conditions of employ-
ment of other servants of the European
Communities so that they can more
aptly be applied to staff paid from
the research and investment appropria-
tions,

WHEREAS the concept of temporary staff
as defined in the Staff Regulations of
Officials should nevertheless be
preserved in its essentials,

WHEREAS the conditions of employment
provided for in the present regulation
apply only to staff remunerated from
research and investment appropriations
and shall not under any circumstances
constitute a precedent for the European
public service,

CHAPTER I

AMENDMENT OF THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE COMMUNITIES

Article 1

The conditions of employment of other servants of the Communities are amended
as follows:

1. Article 1

1. Article 1
unchanged

2. Article 2

2. Article 2
unchanged

¹ For full text see OJ No. C 284, 12.12.1975, p.2

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

3. <u>Article 4</u>	3. <u>Article 4</u> unchanged
4. <u>Article 8</u>	4. <u>Article 8</u> unchanged
5. <u>Article 16</u>	5. <u>Article 16</u> unchanged
6. <u>Article 20</u>	6. <u>Article 20</u> unchanged
7. <u>Article 28</u>	7. <u>Article 28</u> unchanged
8. <u>Article 34</u>	8. <u>Article 34</u> unchanged
9. <u>Article 39</u>	9. <u>Article 39</u> unchanged
10. <u>Article 47</u>	10. <u>Article 47</u> unchanged
11. <u>Articles 84 to 98</u>	11. <u>Articles 84 to 98</u> unchanged

CHAPTER II

Transitional provisions

<u>Article 2</u>	<u>Article 2</u> unchanged
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CHAPTER III

Final provision

<u>Article 3</u>	<u>Article 3</u> unchanged
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EXPLANATORY STATEMENTForeword

1. The three main aims of the proposed regulation are as follows:

(a) to abolish the category of JRC establishment staff (and consequently also local staff) by giving the present staff posts in Categories C and D for an indefinite period;

(b) to ensure that Category A and B researchers and technicians shall in future be employed as temporary staff for a period of 5 years renewable, and no longer for a period of 2 years only;

(c) the conclusion of temporary contracts for an indefinite period with Category A or B staff performing administrative duties.

Positive aspects of the proposal

2. The most positive part of the proposal is undoubtedly that which stipulates (Article 1) that contracts shall be concluded for an indefinite period with establishment and local staff. This will put an end to the discrimination which has already lasted too long. However, the solution proposed was not the only possible one. It is quite conceivable that this problem could have been solved, albeit gradually, through budgetary channels, by creating slots in the list of posts which would enable establishment and local staff to be appointed in Categories C and D. This would have been an even fairer solution since in most cases the staff in question no longer perform the duties laid down in the Staff Regulations for establishment and local staff but in fact carry out tasks assigned to higher categories.

Reservations with regard to the proposal

3. Initially, the Committee on Budgets considered it necessary to amend the proposal from the Commission so as not to deviate too far from the concept of temporary staff as defined in the Staff Regulations and also so as not to create for newly-recruited JRC staff parallel situations co-existent with that legally in force under the Staff Regulations (Doc. 515/75).

In view of the need for greater mobility of research staff - a need appreciated by Parliament's Committee on Energy, Research and Technology and also, apparently, by the research staff themselves - the desirability of satisfying the exigencies of pluriannual scientific programmes which have already been decided on and, finally, the assurances given concerning the acquired rights of scientific officials already covered by the Staff Regulations, the rapporteur is able to withdraw these reservations, after having it confirmed, however, that the conditions of employment adopted by this proposal for a regulation shall not under any circumstances constitute a precedent for the European public service as a whole.

Conclusions

4. The Committee on Budgets consequently accepts the proposal for a regulation.

It delivers a favourable opinion on the basis of the following considerations and conditions:

- the Commissioner responsible has endorsed the demand expressed in a draft amendment proposed on page 7 of this report to the effect that the provisions envisaged concern only the conditions of employment 'of other servants', i.e. those of the JRC;
- under no circumstances could the Committee on Budgets accept that the European public service, which it considers as a pillar in the construction and development of the Community, be in any way prejudiced, even temporarily, by the introduction of special provisions;
- the Committee on Budgets can approve the proposal insofar as the Commissioner responsible has made it perfectly clear that the acquired rights of the staff currently employed at the JRC and in particular staff coming under the Staff Regulations will be safeguarded. The Committee on Budgets will maintain a permanent check to ensure that this condition is met and that the safeguarding of acquired rights will imply not only retention of appointments but, in this particular case, also the normal career advancement laid down in the staff regulations applicable to JRC staff;
- finally, the Committee on Budgets endorses the proposed engagement of C and D Category staff for an indefinite period, in that this measure (the limitations of which are shown in point 2) will solve the present serious social problems caused by the existence of 'establishment staff' and 'local staff' categories. It goes without saying, however, that the acquired rights and the career rights of officials currently in these categories must not be prejudiced by the introduction of this new provision.

