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Committee on Budgetary Control

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OPINION

of the Committee on Budgetary Control

for the Committee on Legal Affairs

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
(COM(2011)0890 – C7-0507/2011 – 2011/0455(COD))

Rapporteur: Ingeborg Gräßle

PA_Legam

AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following amendments into its report:

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Consequently, it is necessary to provide a framework for the recruitment of high calibre staff in terms of productivity and integrity, drawn on the widest possible geographical basis from among citizens of the Member States, and to enable such staff to carry out their duties as effectively and efficiently as possible.

Amendment

(2) Consequently, it is necessary to provide a framework for the recruitment of high calibre staff in terms of productivity and integrity, drawn on the widest possible geographical basis from among citizens of the Member States, and to enable such staff to carry out their duties as effectively and efficiently as possible. ***In this respect, it is necessary to overcome the current difficulties experienced by the institutions in recruiting officials or staff from certain Member States – Germany, the United Kingdom, Austria and the Netherlands – owing to working conditions in the institutions being less attractive and less competitive than in other sectors in those Member States.***

Amendment 2

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Given the very limited size of the European civil service when measured against the objectives of the Union and its population, decreases in the number of staff of the institutions and agencies of the Union should not lead to any impairment of the performance of their tasks, duties and functions in accordance

with the obligations and powers under the Treaties. In this regard, there is a need for greater transparency of the personnel costs incurred by each institution and agency with respect to all categories of staff employed by them.

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) A broader aim should be to optimise the management of human resources in a European civil service characterised by competence, independence, loyalty, impartiality and stability, as well as by cultural and linguistic diversity.

Amendment

(3) A broader aim should be to optimise the management of human resources in a European civil service characterised by *its excellence*, competence, independence, loyalty, impartiality and stability, as well as by cultural and linguistic diversity *and attractive recruitment conditions*.

Amendment 4

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) 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 establish a suitable correspondence between the level of responsibility and the level of remuneration. In this way it will be possible to preserve a stable and comprehensive European civil service.

Amendment

(13) 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. In this way it will be possible to preserve a stable and comprehensive European civil service. *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.

Amendment 5

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Some staff members must frequently go on mission to the other principal places of work of their institution. These situations are at present not adequately taken into account in the rules on missions. These rules should therefore be adapted, in order to allow in such cases the reimbursement of *accommodation costs on the basis of* a flat-rate sum.

Amendment

(18) Some staff members must frequently go on mission to the other principal places of work of their institution. These situations are at present not adequately taken into account in the rules on missions. These rules should therefore be adapted, in order to allow in such cases the reimbursement of a flat-rate sum *based on the average local accommodation costs*.

Amendment 6

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Transitional arrangements should be provided to enable the new rules and measures to be applied gradually, whilst respecting the acquired rights and legitimate expectations of the staff employed before the entry into force of these *amendments to the* Staff Regulations.

Amendment

(20) Transitional arrangements should be provided to enable the new rules and measures to be applied gradually, whilst respecting the acquired rights and legitimate expectations of the staff employed before the entry into force of these *amended* Staff Regulations.

Amendment 7

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) In the interest of simplification and of a consistent staff policy, the rules adopted by the Commission to implement the Staff Regulations should apply by analogy to the agencies. However, in order to ensure that the specific situation of agencies may, if necessary, be taken into account, agencies should be entitled to request the Commission's authorisation to adopt implementing rules which derogate from those adopted by the Commission, **or not to apply the Commission's rules at all.**

Amendment 8

**Proposal for a regulation
Recital 22**

Text proposed by the Commission

(22) A register of all of the rules adopted to give effect to the Staff Regulations should be set up and administered within the Court of Justice of the European Union. This register, which can be consulted by all institutions and agencies, will allow for transparency and promote a cohesive application of the Staff Regulations.

Amendment 9

**Proposal for a regulation
Recital 26**

Text proposed by the Commission

(26) The Commission, when preparing and drawing-up delegated acts, **should** ensure a simultaneous, timely and appropriate transmission of relevant documents to the

Amendment

(21) In the interest of simplification and of a consistent staff policy, the rules adopted by the Commission to implement the Staff Regulations should apply by analogy to the agencies. However, in order to ensure that the specific situation of agencies may, if necessary, be taken into account, agencies should be entitled to request the Commission's authorisation to adopt implementing rules which derogate from those adopted by the Commission.

Amendment

(22) A register of all of the rules adopted to give effect to the Staff Regulations, **including authorised derogations therefrom**, should be set up and administered within the Court of Justice of the European Union. This register, which can be consulted by all institutions and agencies, will allow for transparency and promote a cohesive application of the Staff Regulations.

Amendment

(26) The Commission, when preparing and drawing-up delegated acts, **must** ensure a simultaneous, timely and appropriate transmission of relevant documents to the

Amendment 10

Proposal for a regulation

Article 1 – point 2 – point a

Staff Regulations of Officials of the European Union

Article 5 – paragraph 1

Text proposed by the Commission

1. The posts covered by the Staff Regulations shall be classified, according to the nature and importance of the duties to which they relate, in an administrators' function group (hereinafter “AD”), an assistants' function group (hereinafter “AST”) and a *secretaries* and clerks' function group (hereinafter “AST/SC”).

Amendment

1. The posts covered by the Staff Regulations shall be classified, according to the nature and importance of the duties to which they relate, in an administrators' function group (hereinafter “AD”), an assistants' function group (hereinafter “AST”) and a *secretarial* and clerks' function group (hereinafter “AST/SC”).

Amendment 11

Proposal for a regulation

Article 1 – point 5 a (new)

Staff Regulations of Officials of the European Union

Article 11a – paragraph 1

Text proposed by the Commission

Amendment

5a. Article 11a(1) shall be replaced by the following:

'1. An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests, or any other conflict of interest relating inter alia to previous employment undertaken in the past five years. All newly appointed officials shall be required, before starting

to work for the institution to which they belong, to fill in and submit a comprehensive "declaration of interest" form which includes information about their previous employers and previous clients covering at least the past five years.

The term "conflict of interest" shall be interpreted, in line with the definition promoted by the OECD, as meaning a conflict between the public duties and private interests of an official, in which the official has private-capacity interests which could improperly influence the performance of his official duties and responsibilities. In addition, a conflict of interest shall also be deemed to exist in situations where former officials could use insider knowledge, know-how, influence and contacts gained whilst in the service of the institutions to benefit their own or their subsequent employers' or clients' financial interests.';

Justification

The Staff Regulations should be strengthened with regards to the prevention and management of conflict of interest and be less prone to interpretation. The current formulation leads to a lack of consistency of measures implemented by the institutions in this area and sap the EU citizens' confidence towards the EU institutions, agencies and other bodies.

Amendment 12

Proposal for a regulation

Article 1 – point 5 b (new)

Staff Regulations of Officials of the European Union

Article 12b – paragraph 1

Text proposed by the Commission

Amendment

5b. Article 12b(1) shall be replaced by the following:

'1. Subject to Article 15, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out

any assignment outside the *Union*, shall first obtain the permission of the Appointing Authority. Permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the official's duties or to call into question his independence and loyalty to the institution, or is incompatible with the interests of the institution. ';

Justification

Many cases of conflicts of interest and alleged conflicts of interest in the EU institutions have been reported over the last few years. The Staff Regulations should be strengthened with regards to the prevention and management of conflict of interest and be less prone to interpretation.

Amendment 13

Proposal for a regulation

Article 1 – point 6 a (new)

Staff Regulations of Officials of the European Union

Article 22 c (new)

Text proposed by the Commission

Amendment

6a. The following Article shall be inserted after Article 22b:

'Article 22c

Every institution shall put in place an independent procedure for the handling of complaints by officials concerning the way in which they are treated after and/or in consequence of the fulfilment by them of their obligations under Article 22a and/or Article 22b. The institution concerned shall ensure that such complaints are handled confidentially within two months. If that deadline cannot be adhered to, the institution concerned shall inform the complainant(s) in writing of the reasons for the delay.

Every institution shall lay down internal guidelines on whistleblowing containing inter alia rules on:

- the provision to officials referred to in Article 22a(1) and/or Article 22b ("whistleblowers") of information on the handling of the matters reported by them,*
- the protection of the legitimate interests of whistleblowers and of their privacy, and*
- the independent procedure for the handling of complaints referred to in the first paragraph of this Article.'*

Those internal guidelines shall respect the principles set out in Annex A hereto.

'Annex A

Article 1

1. Any official who, in the course of or in connection with the performance of his duties, becomes aware of or honestly believes in the existence of breaches of law, non-compliance by other officials with obligations deriving from fundamental ethical principles, waste and/or risks detrimental to the interests of the European Union shall have the right to report the matter and to provide supporting information to either his immediate superior or his Director-General, or the persons in equivalent positions, or, if the matter concerns the competences of the European Anti-Fraud Office (OLAF), directly to OLAF. Each institution must also provide a channel of communication which allows for the anonymous bilateral communication of messages in accordance with this Article.

2. Each institution shall ensure that any official who communicates information in accordance with paragraph 1 (a "whistleblower") receives prompt confirmation of receipt of that

information and is informed within four weeks of the approximate amount of time needed for analysis of the matters communicated by him, which should not exceed six months. If that period is exceeded, the whistleblower shall be informed of the reasons for the need to extend it and of the estimated total duration. The same shall apply for every consecutive period of three months.

3. If preliminary analysis gives reason to believe that the matter involves areas within the competences of OLAF, the case shall be transferred to OLAF. The whistleblower shall be promptly informed of that transfer. In relation to the whistleblower and the way in which the whistleblowing is handled, OLAF shall have the same obligations as the initial recipient and his institution.

4. Each institution shall ensure that the identity of the whistleblower is treated as confidentially as possible. The institution concerned, and/or OLAF, shall also be responsible for informing the whistleblower immediately of any breaches of, or risks to, anonymity and confidentiality.

5. Each institution shall ensure that each matter reported by a whistleblower is analysed. Analyses shall be impartial, adequate, prompt, properly documented, done by competent bodies and incapable of being influenced by people accused or suspected by the whistleblower. The whistleblower shall have the right to be properly informed and heard before an analysis is completed. He shall also be informed of the final outcome and shall have the right to access the documents relating thereto.

6. The procedural, privacy and data protection rights of all persons involved, and the secrecy needs of the institutions, shall be respected throughout the

processing of whistleblowing cases.

7. An official shall not suffer any prejudice as a result of his whistleblowing or the handling thereof by the institution concerned, and shall be protected by that institution against any such prejudice that arises or could arise from acts by other officials or third parties. If the whistleblower suffers prejudice and a link between that prejudice and his whistleblowing cannot be excluded, the institution shall be obliged to prove the non-existence of such link.

8. Undue interference by an official in the processing of a whistleblowing case (for example, in the form of manipulation of an analysis or any act causing prejudice to a whistleblower) shall render that official liable to a disciplinary action. An official who abuses the whistleblowing process shall also be liable to a disciplinary action if it can be shown that he had knowingly raised a false concern or knowingly provided false information.

9. The institutions shall establish a system of internal support providing independent confidential counselling to potential whistleblowers, and shall communicate their whistleblowing policy to their staff in a transparent and constructive manner. Mechanisms shall be established for the anonymous communication to whistleblowers of measures successfully taken in concrete cases, such as the detection of risks, avoidance of wrongdoing, sanctioning of wrongdoers, avoidance of retaliation and sanctioning of malicious whistleblowing.

10. The institutions shall monitor and regularly evaluate the application of this Article and shall take proactive measures and provide risk-awareness and whistleblowing training with a view to promoting best practice in the application of these provisions. A coordinated system

for the registration, tracking and tracing of disclosures shall be established, without prejudice to paragraph 6.

11. This Article shall also apply in any case in which an official exercises his rights under Article 21a of the Staff Regulations or where an official has a duty to report any of the matters referred to in paragraph 1 of this Article.

Article 2

1. A whistleblower who honestly believes that his rights under Article 22a of the Staff Regulations have not been respected or that breaches of law have been committed by officials in grade AD 14 or above and/or by Members of his institution or OLAF shall be entitled to report the matter and to provide supporting information to the President of the Commission or, if the matter falls within the competences of the Court of Auditors, the President of the Court of Auditors, or the President of the Council, or the President of the European Parliament, or the European Ombudsman.

2. A whistleblower who honestly believes that his rights under Article 22b(1) and (3) of the Staff Regulations have not been respected shall be entitled to report the matter and to provide supporting information about suspected wrongdoing detrimental to the interests of the European Union or suspected criminal behaviour on the part of officials and/or Members of his institution to any Member of the European Parliament and, if the matter concerns the competences of the Court of Auditors, to that institution.

3. The rights and obligations respectively laid down by Article 22a of the Staff Regulations shall apply to whistleblowers and recipients of information under Article 22b of the Staff Regulations. Such a recipient shall have the right to question

any previously involved recipient of information and/or institution previously involved in the matter about the way in which the whistleblowing has been handled and shall be provided with the necessary information enabling him to analyse the matter.

4. Where Union legislation confers on other bodies outside the Union institutions the necessary competences to confidentially assess matters (within the institutions) that could be the subject of disclosures by officials, officials may also address those bodies under the conditions laid down in this Article.

5. The recipients of information referred to in paragraphs 1, 2 and 4 shall also have the right to inform the public if they deem this to be necessary.

6. If a whistleblower is the subject of disciplinary or other procedures for non-compliance with the recipient limitations laid down by Article 22a or Article 22b and/or, for example, for having provided information to the media and/or the public, any measure taken against him shall take into account whether the information provided was true or the whistleblower believed it to be true. The public interest in the matter shall also be taken into account.'

Amendment 14

Proposal for a regulation

Article 1 – point 6 b (new)

Staff Regulations of Officials of the European Union

Article 24 – paragraph 2

Text proposed by the Commission

Amendment

6b. The following sentence shall be added to the second paragraph of Article 24:

'This shall not apply in respect of costs which the official incurs due to

*investigations carried out by the
European Anti-Fraud Office.';*

Justification

The taxpayers should not carry the costs an official incurs due to investigations carried out by OLAF.

Amendment 15

Proposal for a regulation

Article 1 – point 8

Staff Regulations of Officials of the European Union

Article 27 - paragraph 1

Text proposed by the Commission

Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from **among** nationals of Member States of the European Union. No posts shall be reserved for nationals of any specific Member State.

Amendment

Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from nationals of Member States of the European Union. No posts shall be **directly or indirectly** reserved for nationals of any specific Member State.

Amendment 16

Proposal for a regulation

Article 1 – point 8

Staff Regulations of Officials of the European Union

Article 27 – paragraph 2

Text proposed by the Commission

The principle of the equality of Union's citizens shall allow each institution to adopt corrective measures following the observation of a long lasting and significant imbalance between nationalities among officials which is not justified by objective criteria. These corrective measures shall never result in recruitment criteria other than those based on merit.

Amendment

The principle of the equality of Union's citizens shall allow each institution to adopt corrective measures following the observation of a long lasting and significant imbalance between nationalities **or gender** among officials which is not justified by objective criteria. These corrective measures shall never result in recruitment criteria other than those based

Before such corrective measures are adopted, the appointing authority of the institution concerned shall adopt general provisions for giving effect to this paragraph in accordance with Article 110.

on merit. Before such corrective measures are adopted, the appointing authority of the institution concerned shall adopt general provisions for giving effect to this paragraph in accordance with Article 110.

Amendment 17

Proposal for a regulation

Article 1 – point 9

Staff Regulations of Officials of the European Union

Article 29 – paragraph 1 – subparagraph 2

Text proposed by the Commission

'While maintaining the principle that the vast majority of officials shall be recruited on the basis of open competitions, the appointing authority may decide, by way of derogation from point (b), to hold a competition internal to the institution which shall also be open to contract staff as defined in Articles 3a and 3b of the Conditions of Employment of Other Servants of the European Union.';

Amendment

'While maintaining the principle that the vast majority of officials shall be recruited on the basis of open competitions, the appointing authority may decide, by way of derogation from point (b), to hold a competition internal to the institution which shall also be open to contract staff as defined in Articles 3a and 3b of the Conditions of Employment of Other Servants of the European Union.

Contract staff may participate in such internal competitions on condition that they produce evidence of a thorough knowledge of one of the languages of the Union and of a satisfactory knowledge of two other languages of the Union to the extent necessary for the performance of their duties.';

Justification

The following amendment intends to assure that Contract staff who participate in internal competitions are able to carry out their duties in at least 3 languages- streamlining with the conditions of officials.

Amendment 18

Proposal for a regulation

Article 1 – point 9 a (new)

Staff Regulations of Officials of the European Union

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

9a. The following paragraph shall be inserted in Article 29a:

'2a. Tailor-made competitions aimed at the recruitment of one specific person shall not be permitted.'

Amendment 19

Proposal for a regulation

Article 1 – point 14 – point a a (new)

Staff Regulations of Officials of the European Union

Article 43 – paragraph 1

Text proposed by the Commission

Amendment

(aa) The following sentence shall be added after the first sentence of the first paragraph:

'That report shall be based on a transparent, readily understandable system for the assessment of officials' performance, established by the institutions.'

Justification

Under the terms of the Staff Regulations, officials' ability, performance and conduct must be assessed at least every two years. The amendment seeks to introduce a transparent and readily understandable assessment system.

Amendment 20

Proposal for a regulation

Article 1 – point 14 a (new)

Staff Regulations of Officials of the European Union

Article 44 – paragraph 1

Text proposed by the Commission

Amendment

14a. The first paragraph of Article 44 shall be replaced by the following:

'An official who has been at one step in his grade for *three* years shall automatically advance to the next step in that grade. As from grade AD 12, this automatic advancement shall apply only to officials to whom the provisions of the second paragraph apply.';

Justification

Automatic advancement in step every two years irrespective of performance, involving a salary increase of up to EUR 650, generates significant costs. Extension of the period between advancements to three years is justified, because the individual steps themselves would not be affected. Making promotions above grade AD 12 contingent on performance of management duties will act as an incentive and is justified for staff members in the grades concerned (salaries of more than EUR 10 000).

Amendment 21

Proposal for a regulation

Article 1 – point 20

Staff Regulations of Officials of the European Union

Article 52 – point b – second sentence

Text proposed by the Commission

Amendment

However, an official may at his own request ***and where*** the appointing authority ***considers it*** justified ***in the interest of the service***, carry on working until the age of 67, in which case he shall be retired automatically on the last day of the month in which he reaches that age.

However, an official may at his own request, ***on condition that*** the appointing authority ***raises no*** justified ***objections***, carry on working until the age of 67, in which case he shall be retired automatically on the last day of the month in which he reaches that age.

Amendment 22

Proposal for a regulation

Article 1 – point 21 – point d

Staff Regulations of Officials of the European Union

Article 55 – paragraph 4

Text proposed by the Commission

4. The appointing authority of each institution may introduce flexible working-time arrangements. Officials to whom the provisions of the second paragraph of Article 44 apply shall manage their working-time without **resorting** to such arrangements.

Amendment

4. The appointing authority of each institution may introduce flexible working-time arrangements. ***Compensation for overtime shall take the form of hours credited to the official's working time account and may not exceed eight hours per calendar month. Overtime must be approved in advance by the directorate-general concerned and by the Directorate-General for Human Resources. Applications for overtime shall specify the reasons for the exceptional situation, the circumstances justifying compensation, the number of workers involved and the estimated amount of overtime to be worked.***

Officials to whom the provisions of the second paragraph of Article 44 apply ***and officials in grades AD/AST 9 or above*** shall manage their working time without ***being entitled to compensatory leave pursuant*** to such arrangements.

Justification

Under current practice, the proposal could lead to up to 1.2 million additional days off. The amendment seeks to clarify the conditions for overtime and thus halves the number of days off that can be taken. It also seeks to ensure that no compensatory leave is granted for overtime to officials in grade AD/AST 9 or above (EUR 7100). From this grade, overtime is compensated for by the official's salary. This would thus reduce the number of possible days off to around 170 000.

Amendment 23

Proposal for a regulation

Article 1 – point 23

Staff Regulations of Officials of the European Union
Article 56 – paragraph 3

Text proposed by the Commission

As provided in Annex VI, overtime worked by officials in grades SC 1 to SC 6 and grades AST 1 to AST 4 shall entitle them either to compensatory leave or to remuneration where requirements of the service do not allow compensatory leave during the month **following that** in which the overtime was worked.

Amendment

As provided in Annex VI, overtime worked by officials in grades SC 1 to SC 6 and grades AST 1 to AST 4 shall entitle them either to compensatory leave or to remuneration where requirements of the service do not allow compensatory leave during **the two months** following that in which the overtime was worked.

Amendment 24

Proposal for a regulation

Article 1 – point 27

Staff Regulations of Officials of the European Union
Article 61

Text proposed by the Commission

27. **In** Article 61, the word ‘institutions’ shall be replaced by ‘appointing authorities of the institutions’;

Amendment

27. Article 61 **shall be amended as follows:**

(a) The word ‘institutions’ shall be replaced by ‘appointing authorities of the institutions’.

(b) The following paragraph shall be added:

‘The total number of public holidays and office closing days shall not exceed 14.’;

Justification

At present officials enjoy 18 public holidays and office closing days. In 2012, nine of those days are not statutory public holidays, so that they in fact constitute additional paid leave. The aim of the amendment is to reduce their number by four. Each additional non-working day in all the EU institutions costs EUR 24 million.

Amendment 25

Proposal for a regulation
Article 1 – point 39 a (new)
Staff Regulations of Officials of the European Union
Article 86

Text proposed by the Commission

Amendment

39a. Article 86(2) shall be replaced by the following:

'2. Where the Appointing Authority or OLAF becomes aware of evidence of failure within the meaning of paragraph 1, they may launch administrative investigations to establish whether such failure has occurred. If an administrative investigation has not been completed five years after the date on which evidence was brought to the attention of the Appointing Authority or OLAF, it shall become time-barred and shall terminate.

If, as a result of an administrative investigation, an official is suspended for a period of more than six months, the Appointing Authority shall have the power to take disciplinary action.'

Justification

Administrative investigations of EU staff members can last many years without giving rise to any kind of court judgment. This amendment introduces a limitation rule for such cases for the first time. In addition, it provides for disciplinary action to be taken irrespective of the outcome of the administrative investigation. This will protect EU staff by ensuring either that appropriate penalties are imposed or that the investigation is closed.

Amendment 26

Proposal for a regulation
Article 1 – point 41
Staff Regulations of Officials of the European Union
Article 110 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Such implementing rules shall enter into force at the agencies **nine** months after

Such implementing rules shall enter into force at the agencies **six** months after their

their entry into force at the Commission or **nine** months after the date on which the Commission informed the agencies of the adoption of the respective implementing rule, whichever is later. Notwithstanding the foregoing, an agency may also decide that such implementing rules will enter into force at an earlier date.

entry into force at the Commission or **six** months after the date on which the Commission informed the agencies of the adoption of the respective implementing rule, whichever is later. Notwithstanding the foregoing, an agency may also decide that such implementing rules will enter into force at an earlier date.

Amendment 27

Proposal for a regulation

Article 1 – point 41

Staff Regulations of Officials of the European Union

Article 110 – paragraph 2 – subparagraph 3

Text proposed by the Commission

By way of derogation, an agency may, before the expiry of the **nine-month** period referred to above and after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which are different from those adopted by the Commission. Under the same conditions, an agency may request the agreement of the Commission for not applying certain of these implementing rules. In the latter case, the Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.

Amendment

By way of derogation, an agency may **on the basis of a request containing a proper statement of reasons**, before the expiry of the **six-month** period referred to above and after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which are different from those adopted by the Commission. Under the same conditions, an agency may request the agreement of the Commission for not applying certain of these implementing rules. In the latter case, the Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.

Amendment 28

Proposal for a regulation

Article 1 – point 41

Staff Regulations of Officials of the European Union

Article 110 – paragraph 2 – subparagraph 4

Text proposed by the Commission

The **nine-month** period referred to in the previous subparagraphs shall be suspended from the date on which the agency has requested the Commission's agreement until the date on which the Commission has expressed its position.

Amendment

The **six-month** period referred to in the previous subparagraphs shall be suspended from the date on which the agency has requested the Commission's agreement until the date on which the Commission has expressed its position.

Amendment 29

Proposal for a regulation

Article 1 – point 42

Staff Regulations of Officials of the European Union
Article 110 b(new) – paragraph 4

Text proposed by the Commission

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Amendment

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council **and shall inform the Court of Justice.**

Amendment 30

Proposal for a regulation

Article 1 – point 47

Staff Regulations of Officials of the European Union
Annex V – Article 7 – paragraph 1

Text proposed by the Commission

To the annual leave of officials entitled to the expatriation or foreign residence allowance shall be added travelling time based on the geographical distance between the place of employment and the place of origin, calculated as follows:

- **250 to 600 km:** one day of home travelling time,
- **601 to 1200 km:** two days of home travelling time,

Amendment

To the annual leave of officials entitled to the expatriation or foreign residence allowance shall be added travelling time based on the geographical distance between the place of employment and the place of origin, calculated as follows:

- **250 to 1000 km:** one day of home travelling time,
- **more than 1000 km:** two days of home travelling time.

– more than 1200 km: three days of home travelling time.

Justification

The three days of home travelling time granted to officials serving in the EU are not consistent with the speed and ready availability of modern means of transport. Officials serving in third countries are granted only two days of home travelling time. If this is acceptable for people working in remoter parts of the world, it must also be acceptable for people working in Brussels.

Amendment 31

Proposal for a regulation

Article 1 – point 49 – point d a (new)

Staff Regulations of Officials of the European Union

Annex VII – Article 12 – paragraph 2

Text proposed by the Commission

Amendment

(da) Article 12(2) shall be replaced by the following:

'2. Travel by air

Officials shall be authorised to travel by air if the outward and return journeys by rail would total at least 800 kilometres. In the case of flights lasting less than eight hours, only the cost of an economy-class ticket shall be reimbursed.'

Justification

Adjustment in line with standard practice in the Member States.

Amendment 32

Proposal for a regulation

Article 1 – point 51 – point -a (new)

Staff Regulations of Officials of the European Union

Annex IX – Article 1 – paragraph 2

Text proposed by the Commission

Amendment

(-a) Article 1(2) shall be amended as follows:

'2. In cases that demand absolute secrecy for the purposes of the investigation or that require the use of investigative procedures falling within the remit of a national judicial authority, compliance with the obligation to invite the official to comment may, once the Appointing Authority has been informed, be deferred. In such cases, no disciplinary proceedings may be opened before the official has been given a chance to comment.'

Justification

The amendment brings the Staff Regulations into line with the OLAF Regulation (1073/99), which is currently the subject of negotiations with the Council and Commission.

Amendment 33

Proposal for a regulation

Article 1 – point 51 – point b a (new)

Staff Regulations of Officials of the European Union

Annex IX - Article 25

Text proposed by the Commission

Amendment

(ba) Article 25 shall be replaced by the following:

'Article 25

Where the official is prosecuted for those same acts, a final decision shall be taken only after a final judgment has been handed down by the court hearing the case. Where appropriate and possible the appointing authority shall be given the power to enforce disciplinary measures against the official under investigation before the final judgment by the court

hearing the case is given.';

Amendment 34

Proposal for a regulation

Article 1 – point 52 – point -a (new)

Staff Regulations of Officials of the European Union

Annex X – Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(-a) The following paragraph shall be added to Article 8:

'Officials who take part in professional training courses in Brussels pursuant to Article 24a of the Staff Regulations and who have been granted rest leave pursuant to the first paragraph of this Article shall as a rule combine their periods of professional training in Brussels with their rest leave.';

Justification

The purpose of the amendment is to ensure that periods of special leave granted to officials working under particularly arduous conditions in third countries (up to five additional periods of one week) are combined with periods of professional training in Brussels. The cost of air tickets is reimbursed in connection with both this type of leave and professional training. The aim is to reduce the amount of time EU staff serving in third countries spend away from their places of work, by ensuring that they combine journeys.

Amendment 35

Proposal for a regulation

Article 1 – point 52 – point -a (new)

Staff Regulations of Officials of the European Union

Annex X – Article 9

Text proposed by the Commission

Amendment

(-a) Article 9 shall be replaced by the following:

'1. Annual leave may be taken all at once or in several periods, according to what

the official desires and taking account of the requirements of the service. It must, however, include at least one period of 14 working days. *Annual leave may not exceed 37 days, to which travel days under Article 7 of Annex V should be added.*

2. The rest leave provided for in Article 8 may not exceed 15 working days, *including travelling days, per year.*';

Justification

The amendment seeks to reduce absence from the workplace by EU employees in third countries.

Amendment 36

Proposal for a regulation

Article 1 – point 52 – point b a (new) Staff Regulations of Officials of the European Union
Annex X – Article 20

Text proposed by the Commission

Amendment

(ba) Article 20 shall be replaced by the following:

'Article 20

An official shall be entitled to travel expenses for rest leave from his place of employment to the authorised place of leave for himself and, if he is entitled to the household allowance, for his spouse and dependents if they live with him.

Where travel by train is impossible or impracticable, reimbursement shall be by special decision on production of the air tickets, whatever the distance. *In the case of flights lasting less than eight hours, only the cost of an economy-class ticket shall be reimbursed.*';

Justification

Adjustment in line with standard practice in the Member States.

PROCEDURE

Title	Staff Regulations of Officials and Conditions of Employment of Other Servants of the EU
References	COM(2011)0890 – C7-0507/2011 – 2011/0455(COD)
Committee responsible Date announced in plenary	JURI 19.1.2012
Committee(s) asked for opinion(s) Date announced in plenary	CONT 19.1.2012
Rapporteur(s) Date appointed	Ingeborg Gräßle 12.1.2012
Discussed in committee	28.2.2012 29.2.2012
Date adopted	20.3.2012
Result of final vote	+: 26 -: 1 0: 2
Members present for the final vote	Marta Andreasen, Jean-Pierre Audy, Inés Ayala Sender, Zigmantas Balčytis, Andrea Cozzolino, Ryszard Czarnecki, Tamás Deutsch, Martin Ehrenhauser, Jens Geier, Gerben-Jan Gerbrandy, Ingeborg Gräßle, Iliana Ivanova, Bogusław Liberadzki, Monica Luisa Macovei, Jan Mulder, Eva Ortiz Vilella, Crescenzo Rivellini, Paul Rübig, Petri Sarvamaa, Theodoros Skylakakis, Bart Staes, Georgios Stavrakakis, Søren Bo Søndergaard, Michael Theurer
Substitute(s) present for the final vote	Zuzana Brzobohatá, Jorgo Chatzimarkakis, Derk Jan Eppink, Christoffer Fjellner, Monika Hohlmeier, Ivailo Kalfin, Derek Vaughan