



EUROPEAN PARLIAMENT

2009 - 2014

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Committee on Legal Affairs

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**2011/0455(COD)**

20.3.2012

# **AMENDMENTS**

## **19 - 206**

**Draft report**  
**Dagmar Roth-Behrendt**  
(PE480.807v01-00)

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

Proposal for a regulation  
(COM(2011)0890) – C7-0507/2011 – 2011/0455(COD))

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PE483.851v02-00

**EN**

*United in diversity*

**EN**

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**Amendment 19**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Recital -1 (new)**

*Text proposed by the Commission*

*Amendment*

***(-1) The Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union should complement regulations on administrative procedures in achieving the objective laid down in Article 298 of the Treaty on the Functioning of the European Union, by ensuring, that in carrying out their missions, the institutions, bodies, offices and agencies of the Union have the support of an open, efficient and independent European administration.***

Or. en

**Amendment 20**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Believes that the Commission proposal, which mainly tries to make savings to the detriment of low grade staff, is problematic in terms of social justice;***

Or. en

**Amendment 21**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Recruitment should ensure that staff are employed according to the broadest geographical basis from among the nationals of all Member States of the European Union. To that end, the Commission should regularly report to the European Parliament and to the Council on possible imbalances between nationalities among officials. After a period of five years starting from 1 January 2013, corrective measures should be adopted in order to respond to the persistence of significant imbalances between nationalities. Those corrective measures should never result in recruitment criteria other than those based on merit.***

Or. en

**Amendment 22**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) The savings achieved by means of the reforms introduced by this Regulation should be better distributed among the whole range of ranks by the creation of a progressive rate for the solidarity levy, to be linked to the height of staff grades.***

Or. en

**Amendment 23**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) In the interest of guaranteeing that the purchasing power of European Union officials and other servants develop 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, known as ‘the method’, **by extending its application until the end of 2022 with a review at the end of the fifth year.** The discrepancy between the mechanism of the method which has always been administrative in nature and the adoption by the Council alone of the result of the method led to difficulties in the past and is not in line with the Treaty of Lisbon. It is therefore appropriate to let the legislators decide in adopting these amendments to the Staff Regulations upon a method that would update annually all salaries, pensions and allowances in an automatic manner. This update will be based upon the political decisions taken by each Member States for salary adjustment of its civil servants at the national level.

*Amendment*

(4) In the interest of guaranteeing that the purchasing power of European Union officials and other servants develop 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, known as ‘the method’. The discrepancy between the mechanism of the method which has always been administrative in nature and the adoption by the Council alone of the result of the method led to difficulties in the past and is not in line with the Treaty of Lisbon. It is therefore appropriate to let the legislators decide in adopting these amendments to the Staff Regulations upon a method that would update annually all salaries, pensions and allowances in an automatic manner. This update will be based upon the political decisions taken by each Member States for salary adjustment of its civil servants at the national level.

Or. en

**Amendment 24**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) Demographic changes and the changing age structure of the population concerned

*Amendment*

(7) Demographic changes and the changing age structure of the population concerned

require that the pension age be increased, subject however to transitional measures for officials and other servant of the European Union already in service. These transitional measures are necessary to respect acquired rights of officials already in service who have contributed to the notional pension fund for European Union officials.

require that the pension age be increased, subject however to transitional measures for officials and other servant of the European Union already in service. These transitional measures are necessary to respect acquired rights of officials already in service who have contributed to the notional pension fund for European Union officials. ***The pension age should also be made more flexible by making it easier for staff to voluntarily continue to work until the age of 67 and making it possible, in exceptional circumstances to work until the age of 70.***

Or. en

**Amendment 25**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

***(19) It is appropriate to provide a more flexible framework for the employment of contract staff. The institutions of the European Union should therefore be enabled to engage contract staff for a maximum period of six years in order to perform tasks under the supervision of officials or temporary staff. In addition, while the vast majority of officials will continue to be recruited on the basis of open competitions, the institutions should be authorised to organise internal competitions which are also open to contract staff.***

*Amendment*

*deleted*

Or. en

**Amendment 26**  
**Giuseppe Gargani**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(19) It is appropriate to provide a more flexible framework for the employment of contract staff. The institutions of the European Union should therefore be enabled to engage contract staff for a maximum period of six years in order to perform tasks under the supervision of officials or temporary staff. In addition, while the vast majority of officials will continue to be recruited on the basis of open competitions, the institutions should be authorised to organise internal competitions which are also open to contract staff.

*Amendment*

(19) It is appropriate to provide a more flexible framework for the employment of contract staff. The institutions of the European Union should therefore be enabled to engage contract staff for a maximum period of six years in order to perform tasks under the supervision of officials or temporary staff. In addition, while the vast majority of officials will continue to be recruited on the basis of open competitions, the institutions should be authorised to organise internal competitions which are also open to contract staff, ***including those working for executive agencies.***

Or. it

**Amendment 27**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) Taking into account the high number of temporary staff within agencies and the need to define a consistent staff policy, it is necessary to create a new category of temporary staff and to lay down specific rules for this category.

*Amendment*

(24) Taking into account the high number of temporary staff within agencies and the need to ***ensure greater transparency and to*** define a consistent staff policy, it is necessary to create a new category of temporary staff and to lay down specific rules for this category.

Or. en

**Amendment 28**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 2 – point a**  
Staff Regulations  
Article 5 – paragraphs 1 and 2

*Text proposed by the Commission*

*Amendment*

**(a) Paragraphs 1 and 2 shall be replaced by the following:** *deleted*

***'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').***

***2. Function group AD shall comprise twelve grades, corresponding to managerial, conceptual and analytical as well as to linguistic and scientific duties. Function group AST shall comprise eleven grades, corresponding to executive and technical duties. Function group AST/SC shall comprise six grades, corresponding to clerical and secretarial duties.'***

Or. fr

**Amendment 29**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 2 – point b**  
Staff Regulations  
Article 5 – paragraph 3 – point a

*Text proposed by the Commission*

*Amendment*

**(b) In point (a) of paragraph 3 the words 'and function group AST/SC' shall be inserted after the words 'in function group AST';** *deleted*

**Amendment 30**  
**Alexandra Thein**

**Proposal for a regulation**  
**Article 1 – point 3**  
Staff Regulations  
Article 6 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Each* institution's establishment plan shall reflect the obligations set out in the multi-annual financial framework and the inter-institutional agreement on its implementation.

*Amendment*

***Notwithstanding the budgetary powers of the European Parliament, each*** institution's establishment plan shall reflect the obligations set out in the multi-annual financial framework and the inter-institutional agreement on its implementation.

Or. en

**Amendment 31**  
**Eva Lichtenberger, Gerald Häfner**

**Proposal for a regulation**  
**Article 1 – point 5 a (new)**  
Staff Regulations  
Article 11 a

*Text proposed by the Commission*

*Amendment*

***5a. Article 11a shall be replaced by the following:***

***'Article 11a***

***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, for example,***



*relating to previous employment undertaken in the past two years. All newly appointed officials shall be required, before starting work, to complete a comprehensive "declaration of interest" form which includes information about previous employers and/or previous clients. Such forms shall be scrutinised by the Appointing Authority.*

*2. On the basis of that scrutiny, the Appointing Authority shall relieve the official from responsibility in any matter in which he has an interest as referred to in paragraph 1. Additional appropriate measures may also be taken to ensure that the risk of conflicts of interest is eliminated. All institutions shall regularly publish a list of all such disqualifications.*

*3. An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.';*

Or. en

#### *Justification*

*This amendment aims at amending Article 11 a of the basic act (which was not amended by the Commission proposal) in order to strength existing rules on conflicts of interest (revolving door).*

**Amendment 32**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 1 – point 5 a (new)**  
Staff Regulations  
Article 11 a

***5a. Article 11a shall be replaced by the following:***

***'Article 11a***

***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. This shall also apply with regards to matters on which the official has been actively working in the course of a previous occupational activity, whether gainful or not, undertaken within the past three years, in particular if the occupational activity in question was performed in collaboration with a stakeholder in the matter.***

***2. All newly appointed officials shall complete a comprehensive declaration of interest including information about previous occupational activities for the three years prior to the date on which they start to work in the institutions, as provided for by each institution in accordance with Article 110.***

***3. Any official to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter. All institutions shall regularly publish a list of all such decisions by the Appointing Authority, indicating what action was taken in each case or if it was decided that no action was necessary.***

***4. An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the***

authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.';

Or. en

**Amendment 33**  
**Monica Luisa Macovei, Martin Ehrenhauser**

**Proposal for a regulation**  
**Article 1 – point 5 a (new)**  
Staff Regulations  
Article 11 a – 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 work for the institution, to fill in and submit a comprehensive "declaration of interest" form which includes information about previous employers and previous clients covering at least the past five years. The first declaration of interest shall be submitted within 30 days from the date on which this Regulation enters into force, and then on 30 January in each year, irrespective of any change. In addition, a declaration of interest must be submitted at any time during the year if a change in circumstances has occurred***

*or the individual changes his professional role, within 20 days after such change. The declaration of interest shall be scrutinised by the Appointing Authority when submitted for the first time and then annually or earlier if updates have been introduced. The declaration of interest shall be made public on the website of the institution to which the official belongs, within 20 days after its submission.*

*The term "conflict of interest" shall be interpreted, in line with the definition promoted by the Organisation for Economic Co-operation and Development, as meaning a conflict between the public duties and private interests of an official, in which the public 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.';*

Or. en

#### *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 34**

**Monica Luisa Macovei, Martin Ehrenhauser**

#### **Proposal for a regulation**

**Article 1 – point 5 b (new)**

Staff Regulations

Article 11 a – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**5b. The following paragraph shall be inserted in Article 11a:**

**'1a. On the basis of the scrutiny referred to in paragraph 1, the Appointing Authority shall relieve the official from responsibility in any matter in which he has a conflict of interest as defined in paragraph 1. Additional appropriate measures may also be taken to ensure that the risk of conflicts of interest is eliminated. All institutions shall regularly publish a list of all such disqualifications.'**;

Or. en

*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 35**

**Monica Luisa Macovei, Martin Ehrenhauser**

#### **Proposal for a regulation**

**Article 1 – point 5 c (new)**

Staff Regulations

Article 12 b – paragraph 1

*Text proposed by the Commission*

*Amendment*

**5c. 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.';**

Or. en

*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 36**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 5 a (new)**  
Staff Regulations  
Article 16

*Text proposed by the Commission*

*Amendment*

***5a. Article 16 shall be replaced by the following:***

***‘An 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 form provided by their institution, within 20 working days. The form shall give the name of the official concerned, details of his former activity and the proposed new activity, including the start date, the institution’s decision and any conditions it has decided to***

***impose. 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. The ban on engaging in the activity or the conditions imposed shall apply for no more than two years after the official has left the service. The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance In the case of officials to whom the second paragraph of Article 44 applies, the Secretariat of the institution in question shall publish on its homepage, at the same time as the notification to the official, or, if no such notification is made, 30 working days after being informed of the official's intentions, the full, completed form giving details of the new activity of the official concerned.***

***Officials in grade AD 13 and above may not engage in a paid occupational activity with a lobbyist accredited with the European Union and its institutions within three years of taking early or normal retirement.'***

Or. de

#### *Justification*

*This amendment is designed to address the problem of 'revolving doors', in particular in management positions. This problem concerns in particular officials who switch directly from the institutions to lobby firms and vice versa and use insider knowledge to their own advantage.*

**Amendment 37**  
**Eva Lichtenberger, Gerald Häfner**

**Proposal for a regulation**  
**Article 1 – point 5 b (new)**  
Staff Regulations  
Article 16

*Text proposed by the Commission*

*Amendment*

***5b. Article 16 shall be replaced by the following:***

***'Article 16***

**An 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 the form provided by their service, before commencing the occupational activity in question.* If that activity will involve lobbying or providing advice on lobbying Union institutions, or could lead to the existence or possibility of a conflict with the legitimate interests of the institution, the Appointing Authority shall, having regard to the interests of the service, forbid him from undertaking it *for a period of two years after he has left the service and apply any other conditions it thinks fit.* The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed *formally and in writing to the official concerned.***

***The Appointing Authority shall also apply sanctions in cases of breaches of this Article or of its decisions regarding specific occupational activities. Such sanctions shall include withholding, fully or in part, financial or non-financial***



*benefits accrued by the (former) official.*

*All institutions shall regularly publish a list of all cases assessed under this Article, without prejudice to the provisions of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>, and shall produce an annual report which includes statistical information and details of emerging trends.*

*Leave on personal grounds may not be granted to an official for the purpose of his engaging in an occupational activity, whether gainful or not, which will involve lobbying or providing advice on lobbying an Union institution or which could lead to the existence or possibility of a conflict with the legitimate interests of his service.*

*During the two years following his retirement or early retirement, the Appointing Authority shall send the official an annual reminder about his obligations under this Article.*

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<sup>1</sup> OJ L 8, 12.1.2001, p. 1.';

Or. en

#### *Justification*

*This amendment aims at amending article 16 of the basic act (which was not amended by the Commission proposal) in order to strength existing rules of conflicts of interest (revolving door).*

**Amendment 38**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 1 – point 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***5b. Article 16 shall be replaced by the following:***

***'Article 16***

**An 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. 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. The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance. *All institutions and agencies shall regularly publish a list of all cases assessed under this Article, without prejudice to the provisions of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>, and shall produce an annual report which includes statistical information and details of emerging trends. The list shall include the name of the official,***

*particulars of his former role, his proposed new role, the proposed date of his departure from the institution or agency concerned and of his assumption of functions in his new role, the final assessment under this Article and any restrictions placed upon his acceptance of the role. Leave on personal grounds may not be granted to an official for the purpose of his engaging in an occupational activity, whether gainful or not, which would involve lobbying or advice on lobbying an institution on issues relating to those with which he has been directly dealing within the institution during the past three years.*

*The term "lobbying" shall be interpreted, in accordance with the definition used by the EU Joint Transparency Register, as meaning activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and decision-making processes of the institutions.*

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<sup>1</sup> OJ L 8, 12.1.2001, p. 1.';

Or. en

**Amendment 39**  
**Monica Luisa Macovei, Martin Ehrenhauser**

**Proposal for a regulation**  
**Article 1 – point 5 d (new)**  
Staff Regulations  
Article 16

*Text proposed by the Commission*

*Amendment*

***5d. Article 16 shall be replaced by the following:***

***'Article 16***

**An 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 *immediately* inform in writing their institution thereof *using the form provided by their service or otherwise in writing if such form is not available, before commencing the occupational activity in question. If the intended occupational activity involves lobbying or providing advice on lobbying Union institutions, bodies, offices or agencies, or could lead to the existence, possibility or appearance of a conflict with the legitimate interests of the institution, body, office or agency, the Appointing Authority shall, having regard to the interests of the service, forbid him from undertaking it for a period of two years after he has left the service and apply any other conditions it thinks fit. After consulting the Joint Committee, the institution shall notify its decision within 30 days formally and in writing to the official concerned.*

*The Appointing Authority shall also apply sanctions in cases of breaches of this Article or of its decisions regarding specific occupational activities. Such sanctions shall include withholding fully or partially financial benefits accrued by the official or former official.*

*Institutions, agencies and other bodies of the European Union shall regularly publish a list of all cases assessed under this Article 16 (to include the official's name, particulars of his former position and proposed new position, the proposed date of his departure from the service, the final assessment made under this Article, and any restrictions or limitations placed upon the acceptance of the role), without prejudice to the provisions of Regulation (EC) No 45/2001 of the European*

*Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>, and shall produce an annual report which includes statistical information and details of emerging trends.*

*Leave on personal grounds may not be granted to an official, temporary or contractual agent for the purpose of his engaging in an occupational activity, whether gainful or not, which will involve lobbying or providing advice on lobbying an EU institution, body, office or agency, or which could lead to the existence, possibility or appearance of a conflict with the legitimate interests of his service.*

*The term "lobbying" shall be interpreted, in accordance with the definition used by the EU Joint Transparency Register, as meaning activities carried out with the objective of directly or indirectly influencing the formulation or implementation of policy and decision-making processes of the Union institutions.*

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<sup>1</sup> OJ L 8, 12.1.2001, p. 1.';

Or. en

#### *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 40**

**Anneli Jäätteenmäki, Cecilia Wikström, Sirpa Pietikäinen**

**Proposal for a regulation**

Article 1 – point 5 a (new)

Staff Regulations

Article 17 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**5 a. Article 17(1) shall be replaced by the following:**

**'1. An official shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public, or unless the aim of the disclosure of that information is to reveal serious contraventions or maladministration in the implementation of Union law or to reveal serious fraud or any other illegal activities affecting the financial interests of the Union.'**

Or. en

**Amendment 41**

**Anneli Jäätteenmäki, Cecilia Wikström, Sirpa Pietikäinen**

**Proposal for a regulation**

**Article 1 – point 5 b (new)**

Staff Regulations

Article 17 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**5b. In Article 17 the following paragraph shall be added:**

**'2a. Where a committee of inquiry summons an official of the Union to testify in a matter associated with his professional duties pursuant to Regulation (EU) No [...] of the European Parliament of [...] on the detailed provisions governing the exercise of the European Parliament's right of inquiry, the official concerned shall be deemed to**

*be authorised to obey the summons by the committee, to attend for examination as a witness and to submit statements and give evidence in person.';*

Or. en

**Amendment 42**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Article 1 – point 6 a (new)**  
Staff Regulations  
Article 21 a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*6a. The following paragraph shall be added to Article 21a:*

*'2a. An official who informs his superiors of orders which he considered to be irregular or likely to give rise to serious difficulties shall not suffer any prejudice at the hands of his superiors or of the institution concerned.';*

Or. en

**Amendment 43**  
**Martin Ehrenhauser, Monica Luisa Macovei, Eva Lichtenberger**

**Proposal for a regulation**  
**Article 1 – point 6 a (new)**  
Staff Regulations  
Article 22 a

*Text proposed by the Commission*

*Amendment*

*6a. Article 22a shall be replaced by the following:*

*'Article 22a*

*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 inform and to provide supporting information to either his immediate superior or his Director General, or the persons in equivalent positions, or the European Anti-Fraud Office (OLAF) directly, if the matter concerns the competences of 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 paragraph 1 ("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 his message, 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 falling within the competences of OLAF, the case shall be transferred to OLAF. The whistleblower shall be informed promptly of that transfer. In relation to the whistleblower and the way in which of whistle blowing 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 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 whistle blowing message is analysed. Analyses shall be impartial, adequate, prompt, properly documented, done by competent bodies and cannot be 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 finished. 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 whistle blowing cases.*

*7. An official shall not suffer any prejudice as a result of his whistle blowing or the handling thereof by the institution, and shall be protected by the institution against any such prejudice that arises or could arise from acts by other officials or third parties. If the whistleblower suffers prejudice the relation of which could be attributed to his whistleblowing, cannot be excluded the institution shall be obliged to prove that such a relation did not exist.*

*8. Undue interference by an official in the processing of a whistle blowing 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 disciplinary action. An official who abuses the whistle blowing process shall also be liable to 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 whistle blowing policy in a transparent and constructive manner. Mechanisms shall be established for the anonymous communication to whistleblowers of information concerning 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 whistle blowing.*

*10. The institutions shall monitor and regularly evaluate the application of this Article and shall take proactive measures, provide risk-awareness and whistle blowing 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 or where an official has a duty to report any of the matters referred to in paragraph 1 of this Article.';*

Or. en

**Amendment 44**  
**Monica Luisa Macovei**

**Proposal for a regulation**  
**Article 1 – point 6 b (new)**  
Staff Regulations  
Article 22 a – paragraph 1

*Text proposed by the Commission*

*Amendment*

***6b. Article 22a(1) shall be replaced by the following:***

***'1. Any official who, in the course of or in connection with the performance of his duties, becomes aware of facts which gives rise to a presumption of the***

existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the *Union*, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the *Union*, shall without delay inform either his immediate superior or his Director-General or, if he considers it *preferable*, the Secretary-General, or the persons in equivalent positions, or the European Anti-Fraud Office (OLAF) direct. *Such reporting shall not be deemed to constitute a breach of his duty of loyalty to the institution to which he belongs.;*

Or. en

*Justification*

*The Staff Regulations should be strengthened with regards to whistleblowers and be less prone to interpretation. It is crucial to ensure staff members that whistleblowing, i.e. reporting of wrong practices taking place in the institution, will not be considered as a breach in his duty of loyalty to the institution.*

**Amendment 45**

**Martin Ehrenhauser, Monica Luisa Macovei, Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 6 b (new)**

Staff Regulations

Article 22 b

*Text proposed by the Commission*

*Amendment*

***6b. Article 22b shall be replaced by the following:***

***'Article 22b***

***1. A whistleblower who honestly believes that his rights under Article 22a 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 inform and provide supporting information to the President of the Commission or of the Court of Auditors (if the areas of the competences of the Court of Auditors are concerned) or of the Council or of the European Parliament or to the European Ombudsman.*

*2. A whistleblower who honestly believes that his rights under paragraphs 1 and 3 have not been respected shall be entitled to inform and provide supporting information about suspected wrongdoing detrimental to the interests of the 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 falls within the competences of the Court of Auditors, to the Court of Auditors.*

*3. The rights and obligations laid down by Article 22a shall respectively apply to whistleblowers and recipients of information under this Article. A recipient of information under this Article shall have the right to question a previously involved recipient and/or institution about the way in which the whistle blowing 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 by this Article 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 interests in the matter shall also be taken into account.';*

Or. en

**Amendment 46**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 6 a (new)**  
Staff Regulations  
Article 24 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***6a. Article 24(2) shall be replaced by the following:***

***‘They shall jointly and severally compensate the official for damage suffered in such cases, in so far as the official did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did. This shall not apply to costs incurred by the official in connection with investigations by the European Anti-Fraud Office.’***

Or. de

**Amendment 47**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 8**

*Text proposed by the Commission*

Article 27

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.

***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. 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.***

***After a five-year period starting on 1 January 2013, the Commission shall report to the European Parliament and to the Council on the implementation of the preceding paragraph.***

*Amendment*

Article 27

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.

***During a five-year period starting on 1 January 2013, the Commission shall regularly assess the implementation of paragraph 1 and report to the European Parliament and to the Council on possible imbalances between nationalities among officials.***

***Following the expiry of the period referred in the second paragraph, corrective measures shall be adopted in accordance with the procedure laid down in Article 110b.***

***Before such corrective measures are adopted, the appointing authority of the institution concerned shall adopt general provisions in accordance with Article 110.***

***These corrective measures shall never result in recruitment criteria other than those based on merit.***

***The Commission shall report to the European Parliament and to the Council every two years on the implementation of***

*the third paragraph of this Article.*

Or. en

**Amendment 48**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 8**  
Staff Regulations  
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 among nationals of Member States of the European Union. No posts shall be ***indirectly or directly*** reserved for nationals of any specific Member State.

Or. en

**Amendment 49**  
**Tadeusz Zwiefka**

**Proposal for a regulation**  
**Article 1 – point 8**  
Staff Regulations  
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

*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 among officials, ***taking into account the breakdown into each category and into each grade separately***, which is not

criteria other than those based 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.

justified by objective criteria. These corrective measures shall never result in recruitment criteria other than those based 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.

Or. en

**Amendment 50**  
**Cristian Silviu Buşoi**

**Proposal for a regulation**  
**Article 1 – point 8**  
Staff Regulations  
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.*** 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*

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 ***at specific administrative grades or levels of management*** which is not justified by objective criteria, ***such as observed merit, in terms of qualifications, overall professional experience and ability to fulfil relevant duties.*** 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.

Or. en

*Justification*

*The balance between nationality of officials should not only be maintained overall, but also at specific (higher) grades and levels of management, where different professional and national backgrounds should also be represented and valued. This is all the more important since the*



*Commission's promotion policy in the last years were significantly imbalanced in favour of higher grade officials employed before 2004.*

**Amendment 51**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 8**  
Staff Regulations  
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.*** 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*

The principle of the equality of Union's citizens shall allow each institution to adopt corrective measures following the observation of a significant imbalance between nationalities among officials ***at specific administrative grades or levels of management*** which is not justified by objective criteria ***or by observed merit, in terms of qualifications, overall professional experience and ability to fulfil relevant duties.*** 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.

Or. en

*Justification*

*The balance between nationality of officials should not only be maintained at the general level, across all grades, but also at specific (higher) grades and levels of management, where decisions are taken and different professional and national backgrounds should be represented and valued. This is all the more important since the Commission's promotion policy in the last years were significantly imbalanced in favour of higher grade officials employed before 2004.*

**Amendment 52**  
**Ingeborg Gräßle**

**Proposal for a regulation**

**Article 1 – point 8**

Staff Regulations

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. 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*

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 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.

Or. en

**Amendment 53**

**Cristian Silviu Buşoi**

**Proposal for a regulation**

**Article 1 – point 8**

Staff Regulations

Article 27 – paragraph 3

*Text proposed by the Commission*

**After a five-year period starting on 1 January 2013, the** Commission shall report to the European Parliament and to the Council on the implementation of the preceding paragraph.

*Amendment*

**The** Commission shall report **before 1 March 2015 and 1 January 2018** to the European Parliament and to the Council on the implementation of the preceding paragraph.

Or. en

*Justification*

*It is necessary to provide 2 reports on this issue, in order to be able to observe the evolution*

*and take appropriate corrective measures where necessary.*

**Amendment 54**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 8 a (new)**  
Staff Regulations  
Article 28 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**8a. The following point shall be added to Article 28:**

***‘ca) gives a declaration on his honour that he has not in the past worked for intelligence services;’***

Or. de

*Justification*

*The EU institutions cannot simply turn a blind eye to their employees’ pasts. This is particularly true in the case of involvement with intelligence services.*

**Amendment 55**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 9**  
Staff Regulations  
Article 29 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

**9. In Article 29, the following subparagraph shall be added to paragraph 1:**

***‘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***

**9. Article 29(1), first subparagraph, point (b) shall be replaced by the following:**

***‘(b) whether requests for transfer have been received from officials of the same grade in other institutions, and/or whether to hold a competition internal to the institution, which shall be open only***

*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.';*

*to officials and temporary staff as defined in Article 2 of the Conditions of Employment of other servants of the European Communities and to contract staff as referred to in Articles 3a and 3b of those conditions of employment;';*

Or. fr

## **Amendment 56**

**Tadeusz Zwiefka, Jarosław Leszek Wałęsa**

### **Proposal for a regulation**

#### **Article 1 – point 9**

Staff Regulations

Article 29 – paragraph 1 – point b

*Text proposed by the Commission*

**9. In Article 29, the following subparagraph shall be added to paragraph 1:**

***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*

**9. In Article 29(1), point b should be replaced by the following:**

***(b) whether requests for transfer have been received from officials of the same grade in other institutions, and/or whether to hold a competition internal to the institution, which shall be open to officials and temporary staff as defined in Article 2 of the Conditions of Employment of other servants of the European Union and to contract staff as defined in Articles 3a and 3b of the Conditions of Employment of Other Servants of the European Union;***

Or. en

### *Justification*

*The amendment seeks to guarantee equal treatment to different categories of staff by the Staff Regulation. Discrimination between different categories of temporary staff is illegal and must be set aside because it violates the general European Union law principle of equal treatment and Directive 1999/70/EC without being justified by a genuine need. Contract staff should be fully eligible for any internal competition organized by the Appointing Authority. The organisation of internal competitions should not be left to discretion of the Appointing*

*Authority especially as far as the choice which category of staff should take part in it. Contract staff which since 2004 has contributed the most to substantial savings in the budget of the EU Institutions seems to be demotivated and with low level of institutional identification due to restricted possibility of career development.*

**Amendment 57**  
**Ingeborg Gräßle**

**Proposal for a regulation**

**Article 1 – point 9**

Staff Regulations

Article 29 – paragraph 1 – subparagraph 2 a (new)

*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 shall be eligible only if they have a sound knowledge of a Union language and a good knowledge of two further Union languages, as required for the post which is the subject of the internal competition.***

Or. de

**Amendment 58**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**

**Article 1 – point 10 bis (new)**

Staff Regulations

Article 31 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***10a. The following paragraph shall be added to Article 31:***

***'3a. Where an official in function group SC at grade SC 2 or higher moves to function group AST, he shall be classified at a grade and step such that his remuneration is at least equal to that to which he was entitled in the AST/SC function group.'***

Or. fr

**Amendment 59**

**Raffaele Baldassarre**

**Proposal for a regulation**

**Article 1 – point 11 a (new)**

Staff Regulations

Article 34

*Text proposed by the Commission*

*Amendment*

***11a. Article 34 shall be replaced by the following:***

***'Article 34***

**1. Officials shall serve a nine-month probationary period before they can be established.**

**Where, during his probationary period, an official is prevented, by sickness, maternity leave under Article 58, or accident, from performing his duties for a continuous period of at least one month, the appointing authority may extend his probationary period by the corresponding length of time.**

**2. A report on the probationer may be made *three months after the start of the probationary period* if his work is proving obviously inadequate.**

**This report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within a period of eight days. The report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within a period of three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. The appointing authority may decide to dismiss the probationer before the end of the probationary period, giving him one month's notice, *or to authorise continuation of the probationary period and assign the official to another department.***

**3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the probationer to perform the duties pertaining to his post and also on his efficiency and conduct in the service. This report shall be communicated to the probationer, who shall have the right to submit his comments in writing within a period of eight days.**

**Should it recommend dismissal, the report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within a period of three weeks, consult the Joint Reports Committee on the action to be taken.**

**A probationer whose work has not proved adequate for establishment in his post shall be dismissed.**

**4. Except where he is in a position forthwith to resume employment elsewhere, a dismissed probationer shall receive compensation equal to two months' basic salary if he has completed at least six months' service and one month's basic salary if he has completed less than six months' service.**

5. Paragraphs 2, 3 and 4 shall not apply to officials who resign before the end of their probationary period.';

Or. en

**Amendment 60**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 12**  
Staff Regulations  
Article 37

*Text proposed by the Commission*

12. *In the second indent of point (b) of Article 37, the word 'institutions' shall be replaced by 'appointing authorities of the institutions';*

*Amendment*

12. Article 37 shall be replaced by *the following:*

*'Article 37*

**An official on secondment is an established official who, by decision of the appointing authority:**

*(a) has been directed in the interests of the service:*

– to serve temporarily in a post outside his institution; or

– to assist temporarily a person holding an office provided for in the Treaties or the elected President of one of the institutions or organs of the *Union*, or one of the political groups in the European Parliament or the Committee of the Regions, or a group in the European Economic and Social Committee; *or*

*(b) has been placed temporarily at the disposal of another of the institutions of the European Union; or*

*(c) has been directed to serve temporarily in a post which is included in the list of posts financed from the research and*



investment appropriations and which the budgetary authorities have classified as temporary.

*An official may, at his own request, and provided there is no overriding interest of the service, be placed temporarily at the disposal:*

– *of a public administration of a Member state;*

– **of an organisation devoted to furthering the *Union's* interests and included on a list to be drawn up by agreement between the institutions of the *Union* after consulting the Staff Regulations Committee.**

**An official on secondment shall continue to enjoy all his rights under the conditions provided in Articles 38 and 39 and shall remain subject to all his obligations as an official of his parent institution. Subject to the provisions of the third paragraph of Article 77 concerning pension, however, the provisions which apply to the official during the secondment referred to in the second indent of (a) in the first paragraph shall be those applicable to an official of the same grade as that assigned to him in the post to which he is seconded.**

**Any official in active employment or on leave on personal grounds may apply for, or be offered, secondment in the interests of the service. Once the official is seconded, the leave on personal grounds shall be terminated.';**

Or. en

**Amendment 61  
Sebastian Valentin Bodu**

**Proposal for a regulation  
Article 1 – point 12a (new)**

Staff Regulations  
Article 37 – paragraph 1 – point b – indent 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(b) In Article 37 (1)(b), the following indent shall be added:***

***'– or has been requested to assist temporarily a person holding the office of head of state or government, or of President of Parliament or of the highest court or of the Court of Auditors of a Member State of the Union';***

Or. en

**Amendment 62**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 12 b(new)**  
Staff Regulations  
Article 38

*Text proposed by the Commission*

*Amendment*

***12b. Article 38 shall be replaced by the following:***

***'Article 38***

**Secondment in the interests of the service shall be governed by the following rules:**

**(a) the decision on secondment shall be taken by the appointing authority after hearing the official concerned;**

**(b) the duration of secondment shall be determined by the appointing authority and may be terminated at any moment in the interests of the service;**

**(c) at the end of every six months, the official concerned may request that his secondment be terminated;**

**(d) an official on secondment pursuant**

to the first indent of Article 37(a) shall be entitled to a salary differential where the total remuneration carried by the post to which he is seconded is less than that carried by his grade and step in his parent institution; he shall likewise be entitled to reimbursement of all additional expenses entailed by his secondment;

(e) an official on secondment pursuant to the first indent of Article 37 (a) shall continue to pay pension contributions based on the salary for active employment carried by his grade and step in his parent institution;

(f) an official on secondment shall retain his post, his right to advancement to a higher step and his eligibility for promotion;

(g) when his secondment ends an official shall at once be reinstated in the post formerly occupied by him. *An official on secondment by decision of the appointing authority in the interests of the service pursuant to point (a) or point (b) of Article 37 shall retain the grade and step that he acquired during secondment.*';

Or. en

**Amendment 63**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 12 c (new)**  
Staff Regulations  
Article 39 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*12c. In Article 39, the following point shall be inserted:*

*'(ca) the duration of secondment under the third indent of point (b) of Article*

*37(1) may not exceed two years;';*

Or. en

**Amendment 64**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 12 c (new)**  
Staff Regulations  
Article 39 – point d

*Text proposed by the Commission*

*Amendment*

*12c. Point (d) of Article 39 shall be replaced by the following:*

**'(d) during the period of secondment, pension contributions and any pension rights shall be calculated by reference to the salary for active employment carried by his grade and step in his parent institution. However, an official on secondment under the second *and third indents* of Article 37(1)(b) who acquires pension rights in the body to which he is seconded shall cease to be affiliated to the pension scheme in his original institution for the duration of this secondment. An official who becomes an invalid while on secondment within the meaning of Article 37(1)(b), second *and third indents*, and the dependents of an official who dies during the same period, shall be entitled under these Staff Regulations to the invalidity allowance or survivor's pension less any amounts paid to them on the same grounds and for the same period by the body to whom the official was seconded. This provision shall not result in the official or his dependants being entitled to a total pension higher than the maximum amount he would have received pursuant to these Staff Regulations;';**

*Justification*

*The exchanges between EU and national administrations should be strengthened in order to foster cooperation and mutual understanding. The EU institutions host Seconded National Experts and the reverse should also be possible.*

**Amendment 65**

**Raffaele Baldassarre**

**Proposal for a regulation**

**Article 1 – point 12 d (new)**

Staff Regulations

Article 40 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***12d. Article 40(2) shall be replaced by the following:***

**'2. Without prejudice to the provisions of Article 15, the duration of such leave shall not exceed one year.**

***The leave referred to in the first subparagraph may be extended for further periods. The total period of leave shall not exceed two consecutive years.***

**The total length of leave on personal grounds shall not exceed six years in the course of the official's entire career.**

**If, however, an official applies for such leave in order to be able:**

**(i) to bring up a child considered as a dependant of the official within the meaning of Article 2(2) of Annex VII and who suffers from a serious mental or physical handicap recognised by the medical officer of the institution and who requires constant care or supervision; or**

**(ii) to follow his spouse, the latter also being an official or other servant of the *Union* required in the course of his**

duties to establish his habitual residence at such a distance from the place of employment of the applicant official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his duties, the leave may be extended without limits, provided that, at the time of each extension, the conditions which warranted the grant of the leave continue to be fulfilled; *or*

*(iii) to fulfil a mandate for which he has been elected; or*

*(iv) to assist his spouse, relative in the ascending line, relative in the descending line, brother or sister in any of the cases referred in Article 42b,*

the leave may be extended without limits, provided that at the time of each extension, the conditions which warranted the grant of the leave continue to be fulfilled.';

Or. en

**Amendment 66**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 13 – point a**  
Staff Regulations  
Article 42 a – paragraph 1

*Text proposed by the Commission*

(a) *In the second sentence of* the first paragraph, *the word 'institutions' shall be replaced* by 'appointing authority of each institution';

*Amendment*

(a) The first paragraph *shall be replaced by the following:*

*‘An official shall be entitled to up to eighteen months of parental leave without basic salary for every child, to be taken during the first twelve years after the birth or adoption of the child. The duration of*

*the leave may be doubled for single parents recognised under general implementing provisions adopted by the appointing authority of each institution. The minimum leave taken at any one time shall not be less than one month.’;*

Or. fr

**Amendment 67**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 14**  
Staff Regulations  
Article 43

*Text proposed by the Commission*

14. Article 43 shall be *amended as follows*:

*(a) In the first sentence of the first paragraph, the words ‘each institution’ shall be replaced by ‘the appointing authority of each institution’;*

*(b) In the second sentence of the first paragraph, the words ‘Each institution’ shall be replaced by ‘The appointing authority of each institution’;*

*Amendment*

14. Article 43 shall be *replaced by the following*:

*‘Article 43*

*The ability, efficiency and conduct in the service of each official shall be the subject of an annual report. The appointing authority of each institution shall lay down, in accordance with Article 110, the rules for those annual reports.*

*Those rules shall provide for the following levels of performance of the official:*

*(a) outstanding performance;*

*(b) fully satisfactory performance;*

*(c) satisfactory performance;*

*(d) unsatisfactory performance,*

*and shall also provide that annual reports are to be based on a transparent, readily understandable system and on the assessment of two hierarchical superiors.*

***The appointing authority of each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before lodging a complaint as referred to in Article 90(2).***

***As of grade 5, for officials in function group AST, the report may also contain an opinion as to whether, on the basis of performance, he has the potential to carry out an administrator's function.***

***The report shall be communicated to the official. He shall be entitled to make any comments thereon which he considers relevant.***

Or. en

**Amendment 68  
Ingeborg Gräble**

**Proposal for a regulation  
Article 1 – point 14 – point a a (new)  
Staff Regulations  
Article 43 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***(aa) The following sentence shall be added after the first sentence of paragraph 1:***

***‘This report shall be based on a transparent, readily understandable system for the assessment of officials’ performance, established by the institutions.’***

Or. de

*Justification*

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



**Amendment 69**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 14 a (new)**  
Staff Regulations  
Article 44 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***14a. Article 44(1) shall be replaced by the following:***

***'An official who has been at one step in his grade for two years shall automatically advance to the next step in that grade, unless his performance has been evaluated as unsatisfactory pursuant to the last annual report as referred to in Article 43.***

***An official shall advance to the next step in his grade after no more than four years, unless the procedure laid down in Article 51(1) is applied.'***

Or. en

**Amendment 70**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 1 – point 14 a (new)**  
Staff Regulations  
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 two years may advance to the next step in that grade if he has received a satisfactory periodical report pursuant to Article 43 concerning his***

*ability, efficiency and conduct. The criteria constituting a satisfactory periodical report shall be laid down by each institution in accordance with Article 110.’;*

Or. en

**Amendment 71**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 14 a (new)**  
Staff Regulations  
Article 44 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*14a. Article 44(1) 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.*’**

Or. de

*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 72**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 14 b (new)**  
Staff Regulations  
Article 44 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***14b. Article 44(2) shall be replaced by the following:***

***'If an official is appointed head of unit, director or director-general in the same grade, and provided that he has performed his new duties at least fully satisfactorily pursuant to the performance evaluation referred to in Article 43 during the first nine months, he shall retroactively benefit from advancement by one step in that grade at the time the appointment comes into effect.'***

Or. en

**Amendment 73**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 15 – point a**  
Staff Regulations  
Article 45 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(a) In paragraph 1, the following sentence shall be inserted after the second sentence:***

***'Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of post set out in Annex I, Section A, for the next higher grade.'***

***(a) Paragraph 1 shall be replaced by the following:***

***'1. Promotion shall be by decision of the Appointing Authority in the light of Article 6(2). It shall be effected by appointment of the official to the next higher grade in the function group to which he belongs. Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to***

one of the types of post set out in Annex I, Section A, for the next higher grade.

**Promotion shall be exclusively by selection from among officials who have completed a minimum of two years in their grade after consideration of the comparative merits of the officials eligible for promotion. *The evaluation of comparative merits by the Appointing Authority shall be based on the reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with Article 28(f) and the level of responsibilities exercised by them.*';**

Or. en

**Amendment 74**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 16 a –(new)**  
Staff Regulations  
Article 45 a – paragraph 2

*Text proposed by the Commission*

*Amendment*

***16a. In Article 45a paragraph 2 shall be replaced by the following:***

**'2. The Appointing Authority shall draw up a draft list of AST officials selected to take part in the aforesaid training programme on the basis of *the annual reports* referred to in Article 43 and their level of education and training and taking account of the needs of the services. This draft shall be submitted to a joint committee for its opinion. ';**

***This committee may hear officials who have applied to take part in the aforesaid training programme, and representatives of the Appointing Authority. It shall, by a***

*majority vote, deliver a reasoned opinion on the draft list proposed by the Appointing Authority. The Appointing Authority shall adopt the list of officials who are entitled to take part in the aforesaid training programme.*

Or. en

**Amendment 75**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1 – point 16 a (new)**  
Staff Regulations  
Article 45 b (new)

*Text proposed by the Commission*

*Amendment*

*16a. The following Article 45b shall be inserted after Article 45a:*

*'Article 45b*

*An official in function group AST/SC may, from grade SC 2, be appointed to a post in function group AST, on condition that his periodical report referred to in Article 43 shows that he has actually carried out functions corresponding to the AST function group for at least two years.*

*An official appointed to a post in function group AST on the basis of this Article shall be classified in a grade and step such that his remuneration is at least equal to that to which he would have been entitled in the AST/SC function group.'*

Or. en

**Amendment 76**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 16 a (new)**

*Text proposed by the Commission*

*Amendment*

**16a. The following article shall be inserted after Article 45a:**

**'Article 45b**

***An official in function group AST/SC may, from grade SC 2, be appointed to a post in function group AST on condition that the periodical report referred to in Article 43 shows that he has actually and properly carried out functions corresponding to the AST function group for at least two years.***

***An official appointed to a post in function group AST on the basis of this Article shall be classified in a grade and step such that his remuneration is at least equal to that to which he would have been entitled in the AST/SC function group.'***

Or. fr

**Amendment 77**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 19**  
Staff Regulations  
Article 51

*Text proposed by the Commission*

*Amendment*

19. Article 51 shall be ***amended as follows***:

***(a) In the first sentence of paragraph 1, the words 'Each institution' shall be replaced by 'The appointing authority of each institution';***

***(b) In the first and in the last sentences of the first subparagraph of paragraph 6, the words 'grade 1' shall be replaced by the***

19. Article 51 shall be ***replaced by the following***:

**'Article 51**

***1. The appointing authority of each institution shall define procedures to identify, deal with and remedy cases of***

*words 'grade AST 1';*

**incompetence in a timely and appropriate fashion.**

***In any case, an official who, on the basis of three consecutive unsatisfactory annual reports referred to in Article 43, still shows no progress in his professional competence shall be downgraded by one grade. If, the next two annual reports still show an unsatisfactory performance, the official shall be dismissed.***

**2. Any proposal to downgrade or dismiss an official shall set out the reasons on which it is based and shall be communicated to the official concerned. The proposal from the Appointing Authority shall be referred to the Joint Advisory Committee referred to in Article 9(6).**

**3. The official shall have the right to obtain his complete personal file and to take copies of all documents relating to the procedure. He shall have at least fifteen days, but no longer than 30 days, from the date of receipt of the proposal to prepare a defence. He may be assisted by a person of his choice. The official may submit written comments. He shall be heard by the Joint Advisory Committee. The official may also call witnesses.**

**4. The institution shall be represented before the Joint Advisory Committee by an official designated for that purpose by the Appointing Authority. That official shall have the same rights as the official concerned.**

**5. In the light of the proposal under paragraph 2 and any written and verbal statements from the official concerned or from witnesses, the Joint Advisory Committee shall deliver by a majority a reasoned opinion stating the measure which it considers appropriate in the light of the facts established at its request. It shall forward that opinion to the Appointing Authority and to the**

**official concerned within two months of the date on which the matter is referred to it. The chairman shall not vote on decisions of the Joint Advisory Committee, except in procedural matters and where votes are tied.**

**6. An official dismissed for incompetence shall, for the period defined in paragraph 7, be entitled to a monthly dismissal allowance equal to the basic monthly salary of an official in the first step of grade *AST 1*. The official shall also be entitled during the same period to the family allowances provided for in Article 67. The household allowance shall be calculated on the basis of the basic monthly salary of an official in grade *AST 1* in accordance with Article 1 of Annex VII.**

**The allowance shall not be paid if the official resigns after the start of the procedure referred to in paragraphs 1, 2 and 3 or if he is entitled to the immediate payment of a full pension. If he is entitled to unemployment benefit under a national unemployment scheme, the amount of that benefit shall be deducted from the above allowance.**

**7. The period during which the payments referred to in paragraph 6 are to be made shall be:**

**(a) three months where the official has completed less than five years' service at the date on which the dismissal decision is taken;**

**(b) six months where the official has completed at least five years' service but less than ten;**

**(c) nine months where the official has completed at least 10 years' service but less than 20;**

**(d) 12 months where the official has completed over 20 years' service.**

**8. Officials who are downgraded on**



grounds of incompetence may after a period of six years ask for all references to that measure to be deleted from their personal files.

**9. Officials shall be entitled to reimbursement of reasonable expenses incurred on their initiative in the course of the proceedings, including fees payable to a defending adviser not belonging to the institution, where the proceedings provided for in this Article end without any decision being taken to dismiss or downgrade.';**

Or. en

**Amendment 78**  
**Cristian Silviu Buşoi, Cecilia Wikström**

**Proposal for a regulation**  
**Article 1 – point 19 – point a**  
Staff Regulations  
Article 51 – paragraph 1

*Text proposed by the Commission*

(a) *In the first sentence of paragraph 1, the words ‘Each institution’* shall be replaced by ‘The appointing authority of each institution’;

*Amendment*

(a) *Paragraph 1* shall be replaced by *the following:*

**'The appointing authority of each institution shall define procedures to identify, deal with and remedy cases of incompetence in a timely and appropriate fashion. Once these procedures have been exhausted, an official who, on the basis of two consecutive periodical reports referred to in Article 43, still proves incompetent in the performance of his duties shall be proposed for dismissal or downgraded or classified in a lower function group at the same grade or a lower grade.';**

Or. en

## *Justification*

*Staff Regulations should be designed so as to allow institutions to employ highly skilled professionals. The current dismissal procedure in case of incompetence runs counter the above mentioned objective by making it very difficult for an institution to dismiss staff who don't fulfil their tasks in an a satisfactory manner. Therefore, more flexibility should be provided for European institutions in the dismissal procedures.*

### **Amendment 79** **Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 19 – point a**  
Staff Regulations  
Article 51 – paragraph 1

*Text proposed by the Commission*

(a) *In the first sentence of paragraph 1, the words ‘Each institution’ shall be replaced by ‘The appointing authority of each institution’;*

*Amendment*

(a) *Paragraph 1 shall be replaced by the following:*

**‘Each institution shall define procedures to identify, deal with and remedy cases of incompetence in a timely and appropriate fashion. Once these procedures have been exhausted, an official who, on the basis of *two* consecutive periodical reports referred to in Article 43, still proves incompetent in the performance of his duties *shall be proposed for dismissal, or downgraded or classified in a lower function group at the same grade or a lower grade.*’;**

Or. en

### **Amendment 80** **Cristian Silviu Buşoi**

**Proposal for a regulation**  
**Article 1 – point 19 – point a a (new)**  
Staff Regulations  
Article 51 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) The following paragraph shall be inserted after paragraph 1:***

***'1a. Whenever such a procedure is launched, an official who applies for sick leave for a period longer than 15 consecutive days may be required to undergo a medical examination arranged by the institution in accordance with Article 59(1).';***

Or. en

*Justification*

*More flexibility should be provided to EU institutions in the dismissal procedures. In particular, this provision aims at eliminating abuses by the members of staff concerned by the procedure who may take medical leave in order to put the dismissal procedure on hold.*

**Amendment 81**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 19 – point a a (new)**  
Staff Regulations  
Article 51 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) The following paragraph shall be inserted after paragraph 1:***

***1a. Whenever such a procedure is launched, the official who applies for sick leave for a period longer than 15 consecutive days may be required to undergo a medical examination arranged by the institution in accordance with Article 59(1).';***

Or. en

**Amendment 82**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1 – point 20**

Staff Regulations

Article 52 – point b – paragraph 1

*Text proposed by the Commission*

(b) at his own request on the last day of the month in respect of which the request was submitted where he is between 58 and **65** years of age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII. The second sentence of the second paragraph of Article 48 shall apply by analogy.

*Amendment*

(b) at his own request on the last day of the month in respect of which the request was submitted where he is **at least 63 years of age or** between 58 and **63** years of age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII. The second sentence of the second paragraph of Article 48 shall apply by analogy.

Or. en

**Amendment 83**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 1 – point 20**

Staff Regulations

Article 52 – point b – paragraph 2

*Text proposed by the Commission*

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.

*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, **or on an exceptional base until the age of 70**, in which case he shall be retired automatically on the last day of the month in which he reaches that age.

Or. en

**Amendment 84**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 20**  
Staff Regulations  
Article 52 – point b – paragraph 2

*Text proposed by the Commission*

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.;

*Amendment*

However, an official may at his own request 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.;

Or. fr

**Amendment 85**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1 – point 21 – point b**  
Staff Regulations  
Article 55 – paragraph 2 – sentence 1

*Text proposed by the Commission*

The normal working week shall range from ***40 to 42*** hours, the hours of the working day to be determined by the appointing authority

*Amendment*

The normal working week shall range from ***37,5 to 40*** hours, the hours of the working day to be determined by the appointing authority

Or. en

**Amendment 86**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 21 – point d** Staff Regulations  
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. Officials to whom the provisions of the second paragraph of Article 44 apply shall manage their working-time without resorting to such arrangements. ***A derogation from core obligations may be granted to an official by his hierarchical superior if this is compatible with the interests of the service.***

Or. en

**Amendment 87**

**Jiří Maštálka**

**Proposal for a regulation**

**Article 1 – point 21 – point d**

Staff Regulations

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, ***after consulting the Staff Committee.*** Officials to whom the provisions of the second paragraph of Article 44 apply shall manage their working time without resorting to such arrangements.

Or. en

**Amendment 88**

**Ingeborg Gräble**

**Proposal for a regulation**

**Article 1 – point 21 – point d**

*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. ***Compensatory leave for overtime worked shall be granted in hours and may not exceed eight hours per calendar month. Overtime must be approved by the directorate-general concerned and by the Directorate-General for Personnel before it is worked. Applications for such approval must state the reasons for this exceptional situation, the circumstances which justify the compensatory leave, the number of staff 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 and above*** shall manage their working-time without resorting to such arrangements.’

Or. de

*Justification*

*In the light of existing practice, this proposal could result in up to 1.2 million additional days’ leave. The amendment is intended to clarify the conditions, thus halving the number of days’ leave that could potentially be taken. A further aim of this amendment is to ensure that no compensatory leave for overtime is granted to officials in grades AD/AST 9 (EUR 7100) and above. From this salary level, overtime is already rewarded by the salary. This will reduce the potential number of days’ compensatory leave to approximately 170 000.*

**Amendment 89**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 21 – point d**  
Staff Regulations  
Article 55 – paragraph 4

*Text proposed by the Commission*

*Amendment*

‘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.**’;

‘4. The appointing authority of each institution may introduce flexible working-time arrangements.’;

Or. fr

**Amendment 90**

**Jiří Maštálka**

**Proposal for a regulation**

**Article 1 – point 22**

Staff Regulations

Article 55 a

*Text proposed by the Commission*

*Amendment*

**22. Article 55a shall be amended as follows:**

**deleted**

**(a) Point (e) of the first subparagraph of paragraph 2 shall be replaced by the following:**

**‘(e) during the last three years before he reaches retirement age, but not before the age of 58’**

**(b) In the second subparagraph of paragraph 2, the words ‘, or as of the age of 55’ shall be replaced by ‘, or during the last three years before reaching retirement age, but not before the age of 58’;**

Or. en

**Amendment 91**

**Thomas Händel, Younous Omarjee**



**Proposal for a regulation**

**Article 1 – point 22 – point -a (new)**

Staff Regulations

Article 55 a – paragraph 2 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(-a) The following point (da) shall be inserted in the first subparagraph of paragraph 2:***

***‘(da) from the age of 55,‘;***

Or. fr

**Amendment 92**

**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**

**Article 1 – point 22 – point -a a (new)**

Staff Regulations

Article 55 a – paragraph 2 – point d b (new)

*Text proposed by the Commission*

*Amendment*

***(-aa) The following point shall be inserted in the first subparagraph of paragraph 2:***

***‘(db) for any other reason, but for no more than a total of five years over the official's entire career.‘;***

Or. fr

**Amendment 93**

**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**

**Article 1 – point 22 – point a b(new)**

Staff Regulations

Article 55 a – paragraph 2 – point e a (new)

*Text proposed by the Commission*

*Amendment*

***(ab) The following point (ea) shall be***

*inserted in the first subparagraph of paragraph 2:*

*'(ea) to care for a child under 13 years of age, if the reduction in working time is not more than 5% of normal working time. In such cases, Article 3 of Annex IVa shall not apply.'*;

Or. fr

**Amendment 94**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 23**  
Staff Regulations  
Article 56

*Text proposed by the Commission*

23. ***The third paragraph of*** Article 56 shall be replaced by the following:

'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*

23. ***Article 56*** shall be replaced by the following:

***'Article 56***

***An official may be required to work overtime by his hierarchical superior in cases of urgency or exceptional pressure of work; in these cases an equivalent compensatory leave shall be granted within three months. Night work, and all work on Sundays or public holidays, may be authorised only in accordance with the procedure laid down by the appointing authority. The total overtime which an official may be asked to work shall not exceed 150 hours in any six months.***

***Overtime worked by officials in function group AD, and in function group AST 5***

*to 11 shall carry no right to remuneration.*

As provided in Annex VI, overtime worked by officials in 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 three months* following that in which the overtime was worked.';

Or. en

**Amendment 95**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 26**  
Staff Regulations  
Article 57 – paragraph 1

*Text proposed by the Commission*

26. *In the* first paragraph of Article 57, *the word 'institutions'* shall be replaced by '*appointing authorities of the institutions*';

*Amendment*

26. *The* first paragraph of Article 57 shall be replaced by *the following*:

**'Officials shall be entitled to annual leave of not less than *twenty-seven* working days nor more than *thirty-two* working days per calendar year, in accordance with rules, to be laid down by common accord of the institutions of the *Union*, after consulting the Staff Regulations Committee.'**

Or. en

**Amendment 96**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 26 a (new)**  
Staff Regulations  
Article 59 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

**26a. The second subparagraph of Article 59(1) shall be replaced by the following:**

**'The official concerned shall notify his institution of his incapacity as soon as possible and at the same time state his current address. He shall produce a medical certificate if he is absent for more than *two* days. This certificate must be sent on the fifth day of absence at the latest, as evidenced by the date as postmarked. Failing this, and unless failure to send the certificate is due to reasons beyond his control, the official's absence shall be considered as unauthorised.'**

Or. en

*Justification*

*It is necessary to limit the potential for abuse. Officials are entitled to reimbursement of medical consultations, so there is no reason not to provide medical certificates for absences of three days in a row. Some flexibility should be maintained.*

**Amendment 97**

**Cristian Silviu Buşoi**

**Proposal for a regulation**

**Article 1 – point 26 a (new)**

Staff Regulations

Article 59 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**26a. Article 59(2) shall be replaced by the following:**

**'2. If, over a period of 12 months, an official is absent for up to three days because of sickness for a total of more than *seven* days, he shall produce a medical certificate for any further absence because of sickness. His absence**

**shall be considered to be unjustified as from the *eighth* day of absence on account of sickness without a medical certificate.'**;

Or. en

*Justification*

*It is necessary to limit the potential for abuse of sick leave, especially that medical consultations are reimbursed by the medical insurance. It is therefore proposed that the annual amount of days of sick leave without any medical certificate being submitted should be brought down from 12 to 7.*

**Amendment 98**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 26 b (new)**  
Staff Regulations  
Article 59 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***26b. Article 59(2) shall be replaced by the following:***

**'2. If, over a period of 12 months, an official is absent for up to *two days* because of sickness for a total of more than *five* days, he shall produce a medical certificate for any further absence because of sickness. His absence shall be considered to be unjustified as from the *sixth* day of absence on account of sickness without a medical certificate.'**;

Or. en

*Justification*

*It is necessary to limit the potential for abuse. Officials are entitled to reimbursement of medical consultations, so there is no reason not to provide medical certificates for absences of three days in a row. Some flexibility should be maintained.*

**Amendment 99**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 27**  
Staff Regulations  
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.'***

Or. de

*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 100**  
**Alexandra Thein**

**Proposal for a regulation**  
**Article 1 – point 31 – letter b**  
Staff Regulations  
Article 66

*Text proposed by the Commission*

'Basic monthly salaries are for each grade and step in function group AST/SC as provided in the following table:

*Step*

Grade	1	2	3	4	5
SC 6	3.844,31	4.005,85	4.174,78	4.290,31	4.349,59
SC 5	3.397,73	3.540,50	3.689,28	3.791,92	3.844,31
SC 4	3.003,02	3.129,21	3.260,71	3.351,42	3.397,73
SC 3	2.654,17	2.765,70	2.881,92	2.962,10	3.003,02
SC 2	2.345,84	2.444,41	2.547,14	2.617,99	2.654,17
SC 1	<b>2.160,45</b>	<b>2.251,24</b>	<b>2.313,87</b>	<b>2.345,84</b>	<b>2.345,84</b>

*Amendment*

‘Basic monthly salaries are for each grade and step in function group AST/SC as provided in the following table:

	<i>Step</i>				
Grade	1	2	3	4	5
<b>SC 6</b>	3.844,31	4.005,85	4.174,78	4.290,31	4.349,59
<b>SC 5</b>	3.397,73	3.540,50	3.689,28	3.791,92	3.844,31
<b>SC 4</b>	3.003,02	3.129,21	3.260,71	3.351,42	3.397,73
<b>SC 3</b>	2.654,17	2.765,70	2.881,92	2.962,10	3.003,02
<b>SC 2</b>	2.345,84	2.444,41	2.547,14	2.617,99	2.654,17
<b>SC 1</b>	<b>2.160,45</b>	<b>2.251,24</b>	<b>2.313,87</b>	<b>2.335,84</b>	<b>2.335,84</b>

Or. de

**Amendment 101**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 1 – point 32 – point a**  
Staff Regulations  
Article 66 a – paragraph 2

*Text proposed by the Commission*

2. The rate of this solidarity levy, which shall apply to the base defined in paragraph 3, shall **be** 6 %.

*Amendment*

2. The rate of this solidarity levy, which shall apply to the base defined in paragraph 3, shall **vary between 6 % and 12 %**. **From AST1/AD1 up to AST3/AD3, the solidarity levy shall not apply. The rate of 6% shall apply from AST/AD 4 up to AST/AD9. Starting from AST10/AD10 the rate shall**

*be progressive so as to reach 12 % for grades 16.*

Or. en

*Justification*

*This amendment calls for the share of savings to be better distributed among the whole range of ranks by creating a progressive rate for the solidarity level, to be linked to the height of staff grades. The lowest grades shall be exempt from the solidarity levy.*

**Amendment 102**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 32 a (new)**  
Staff Regulations  
Article 67 a (new)

*Text proposed by the Commission*

*Amendment*

***32 a. The following Article shall be inserted after Article 67:***

***'Article 67a***

***An official with dependent children shall be entitled either:***

***(a) to a place for his children at a European school; or***

***(b) if no such place is available, to the reimbursement of school fees subject to the provisions laid down in Annex VII.***

***The conditions for establishing European schools shall be laid down in an agreement between the institutions and Member States; funding of European schools shall be subject to the budget of the Union';***

Or. en



**Amendment 103**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1 – point 33 – point b**  
Staff Regulations  
Article 72 – paragraphs 2 and 2a

*Text proposed by the Commission*

*Amendment*

***(b) In paragraphs 2 and 2a the number  
'63' shall be replaced by '65';***                      ***deleted***

Or. en

**Amendment 104**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1– point 36**  
Staff Regulations  
Article 77 – paragraphs 1 and 5 – Article 80 – paragraph 6 – Article 81 a – paragraph 1 –  
point d

*Text proposed by the Commission*

*Amendment*

***36. In the first and fifth paragraphs of  
Article 77, in the sixth paragraph of  
Article 80 and in Article 81a(1)(d), the  
number '63' shall be replaced by '65';***                      ***deleted***

Or. en

**Amendment 105**  
**Ingeborg Gräble**

**Proposal for a regulation**  
**Article 1 – point 39 a (new)**  
Staff Regulations  
Article 86 – paragraph 2

*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 an administrative investigation to verify whether such failure has occurred. If the 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, limitation shall take effect.***

***If, as a result of an administrative investigation, an official is suspended for a period of more than 6 months, the Appointing Authority shall have the power to take disciplinary action.’;***

Or. fr

*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 106**  
**Martin Ehrenhauser**

**Proposal for a regulation**  
**Article 1 – point 39 a (new)**  
Staff Regulations  
Article 90 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***39a. Article 90(1) shall be replaced by the following:***

***‘1. Any person to whom these Staff Regulations apply may submit to the appointing authority a request that it take a decision relating to him. The***

authority shall notify the person concerned within *three months* from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.'

Or. de

**Amendment 107**  
**Martin Ehrenhauser**

**Proposal for a regulation**  
**Article 1 – point 39 b (new)**  
Staff Regulations  
Article 90 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***39b. The second subparagraph of Article 90(2) shall be replaced by the following:***

**The authority shall notify the person concerned within *three months* from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.'**

Or. de

**Amendment 108**  
**Martin Ehrenhauser**

**Proposal for a regulation**  
**Article 1 – point 39 c (new)**  
Staff Regulations  
Article 90 c a (new)

**39c. The following article shall be inserted after Article 90:**

**‘Article 90ca**

**1. If a complaint pursuant to Article 90(2) is rejected by express or implied decision, the person concerned may ask that a mediation procedure be conducted with respect to this rejection decision.**

**2. This request must be made within one month and be addressed to the European Ombudsman. This period shall begin in accordance with the second sentence of Article 91(3).**

**3. Following receipt of this request, the European Ombudsman shall initiate a mediation procedure, pursuing a dialogue with and between the parties in an effort to find a solution to the dispute. In doing so, the European Ombudsman may also put forward its own solutions.**

**4. The European Ombudsman shall notify both parties of the end of the mediation procedure, when:**

**- there is agreement between the parties,**

**- both parties inform the European Ombudsman that agreement is not possible,**

**- one of the parties informs the European Ombudsman that agreement is not possible and the European Ombudsman concurs, or**

**- one of the parties states that agreement is not possible and more than six months have elapsed since the request for initiation of the mediation procedure.’**

Or. de

**Amendment 109**  
**Martin Ehrenhauser**

**Proposal for a regulation**  
**Article 1 – point 39 d (new)**  
Staff Regulations  
Article 91 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**39d. The following paragraph shall be inserted in Article 91:**

**‘3a. By way of derogation from paragraph 3, the period for an appeal under Article 2 shall begin following a mediation procedure conducted with the European Ombudsman and notification that the mediation procedure has ended in accordance with Article 90d(4)’.**

Or. de

**Amendment 110**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 41**  
Staff Regulations  
Article 110 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Implementing rules adopted by the Commission to give effect to these Staff Regulations, including the general implementing provisions referred to in paragraph 1, shall apply by analogy to the agencies. To this end, the Commission shall **inform** the agencies of any such implementing rule **without delay after** adoption.

Implementing rules adopted by the Commission to give effect to these Staff Regulations, including the general implementing provisions referred to in paragraph 1, shall apply by analogy to the agencies. To this end, the Commission shall **consult** the agencies, **which shall be jointly represented in accordance with rules to be fixed by agreement between them and the Commission, on** any such implementing rule **before** adoption.

**Amendment 111**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 41**  
Staff Regulations  
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 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.***

***deleted***

**Amendment 112**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 41**  
Staff Regulations  
Article 110 – paragraph 2 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

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

By way of derogation, an agency may, 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

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.

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.

Or. fr

**Amendment 113**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 41**  
Staff Regulations  
Article 110 – paragraph 2 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

*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.*

*deleted*

Or. fr

**Amendment 114**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 41**  
Staff Regulations  
Article 110 – paragraph 2 – subparagraph 5

*Text proposed by the Commission*

*Amendment*

An agency may also, after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which concern other

An agency may also, after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which concern other

subjects than the implementing rules adopted by the Commission.

subjects than the implementing rules adopted by the Commission *or which differ from those already in force at the Commission.*

Or. fr

**Amendment 115**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 41**  
Staff Regulations  
Article 110 – paragraph 2 – subparagraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

*An agency may only adopt implementing rules which differ from those adopted by the Commission with the agreement of the Commission and after securing the opinion of the Staff Regulations Committee.*

Or. fr

**Amendment 116**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 41**  
Staff Regulations  
Article 110 – paragraph 6

*Text proposed by the Commission*

*Amendment*

6. The Court of Justice of the European Union shall administer a **register** of the rules adopted by the appointing authority of each institution to give effect to these Staff Regulations, and those rules adopted by the agencies to the extent they derogate from the rules adopted by the Commission, in accordance with the procedure provided

6. The Court of Justice of the European Union shall administer a **compendium** of the rules adopted by the appointing authority of each institution to give effect to these Staff Regulations, and those rules adopted by the agencies to the extent they derogate from the rules adopted by the Commission, in accordance with the



in paragraph 2. Institutions and agencies shall have direct access to this *register* and full right to amend their own rules. Every three years, the Commission shall present a report to the European Parliament and the Council on rules adopted by each institution to give effect to these Staff Regulations.';

procedure provided in paragraph 2. Institutions and agencies shall have direct access to this *compendium* and full right to amend their own rules. ***Their staff shall also have direct access to that compendium.*** Every three years, the Commission shall present a report to the European Parliament and the Council on rules adopted by each institution to give effect to these Staff Regulations.';

Or. fr

**Amendment 117**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 43 – point a**  
Staff Regulations

Annex I – Section A – point 1 – part concerning function group AD 8

*Text proposed by the Commission*

Administrator, working for example as:

Translator;  
interpreter;  
economist;  
lawyer;  
medical officer;  
veterinary inspector;  
scientist;  
researcher;  
financial officer;  
auditor

*Amendment*

Administrator, working for example as:

***Head of Unit;***  
Translator;  
interpreter;  
economist;  
lawyer;  
medical officer;  
veterinary inspector;  
scientist;  
researcher;  
financial officer;  
auditor

Or. en

## *Justification*

*The reform of 2004 introduced lower grades of administrators, which now need many more years of service to reach AD9 levels. It should be therefore possible to appoint Head of Units at AD 8 level, provided they have adequate abilities and professional experience.*

### **Amendment 118**

**Raffaele Baldassarre**

#### **Proposal for a regulation**

**Article 1 – point 43 – point a**

Staff Regulations

Annex I – Section A – point 2

#### *Text proposed by the Commission*

##### 2. Function Group AST

Senior Assistant

Carrying out administrative, technical or training activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination

Assistant

Carrying out administrative, technical or training activities requiring a certain degree of autonomy, notably with regard to the implementation of rules and regulations or general instructions or as personal assistant of a Member of the institution, of the Head of a Member's private office or of a (Deputy) Director-General or an equivalent senior manager

#### *Amendment*

##### 2. Function Group AST

Senior Assistant

Carrying out administrative, technical or training activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination

***AST 9 – AST 11***

Assistant

Carrying out administrative, technical or training activities requiring a certain degree of autonomy, notably with regard to the implementation of rules and regulations or general instructions or as personal assistant of a Member of the institution, of the Head of a Member's private office or of a (Deputy) Director-General or an equivalent senior manager

***AST 5 – AST 8***

***Junior Assistant***

***Carrying out administrative, technical or training activities with regard to the implementation of rules and regulations***

***AST 1 – AST 4***

**Amendment 119**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 43 – point a**  
Staff Regulations  
Annex I – Section A – point 2

*Text proposed by the Commission*

2. Function Group AST

*Amendment*

2. Function Group AST

***Replace ‘AST 10-AST 11’ with ‘AST8-AST11’;***

Or. fr

**Amendment 120**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 43 – point a**  
Staff Regulations  
Annex I – Section A – point 3

*Text proposed by the Commission*

3. Function Group AST/SC

*Amendment*

3. Function Group AST/SC

***Senior Secretary/Clerk***

***Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a high degree of autonomy and responsibility***

***SC 1 - SC 6***

Secretary/Clerk

Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of autonomy

***SC 5 - SC 6***

Secretary/Clerk

Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of autonomy

***SC 3 - SC 4***

*Junior Secretary/Clerk*

*Carrying out clerical and secretarial tasks and other equivalent tasks requiring a limited degree of autonomy*

*SC 1 - SC 2*

Or. en

**Amendment 121**

**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**

**Article 1 – point 43 – point b – point iii**

Staff Regulations

Annex I – Section B

*Text proposed by the Commission*

2. Multiplication rates for guiding average career equivalence in function group AST/SC:

*Amendment*

2. Multiplication rates for guiding average career equivalence in function group AST/SC:

*replace the rates 12%-15%-17%-20%-25% with the rates 20%-25%-25%-25%-33%.*

Or. fr

**Amendment 122**

**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**

**Article 1 – point 46 a (new)**

Staff Regulations

Annex V – Article 4 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*46a. The first paragraph of Article 4 of Annex V shall be replaced by the following:*

*‘Where an official, for reasons other than the requirements of the service or for*

*reasons outside his control, including having to take sick leave, has not used up all his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed twelve days.'*

Or. fr

**Amendment 123**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 46 b (new)**  
Staff Regulations  
Annex V – Article 6 – paragraph 1 – indent 10

*Text proposed by the Commission*

*Amendment*

***46b. The tenth indent of Article 6 of Annex V shall be replaced by the following:***

***‘– serious illness of a child: up to six days where the child is aged six or under or if the official is a single parent within the meaning of the general implementing provisions adopted by the appointing authority of the institution concerned, and up to two days in all other cases;’***

Or. fr

**Amendment 124**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 47**  
Staff Regulations  
Annex V – Article 7

*Text proposed by the Commission*

*Amendment*

47. Article 7 of Annex V shall be **replaced by the following**:

47. Article 7 of Annex V shall be **deleted**;

*'Article 7*

*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,*

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

*The preceding provisions shall apply to officials whose place of employment is within the territories of the Member States. If the place of employment is outside these territories, the travelling time shall be fixed by special decision taking into account particular needs.*

*Where special leave is granted in pursuance of Section 2 above, any home travelling time shall be fixed by special decision taking into account particular needs.'*

Or. en

**Amendment 125**

**Jiří Maštálka**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – introductory wording

*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:

*Amendment*

To the annual leave of officials shall be added travelling time based on the geographical distance between the place of employment and the place of origin, calculated as follows:

Or. en

**Amendment 126**

**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – introductory wording

*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:

*Amendment*

To the annual leave of officials shall be added travelling time based on the geographical distance between the place of employment and the place of origin, calculated as follows:

Or. fr

**Amendment 127**

**Sebastian Valentin Bodu**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – indent 1

*Text proposed by the Commission*

– 250 to **600** km: one day of home travelling time,

*Amendment*

– 250 to **800** km: one day of home travelling time,

*Justification*

*The European road infrastructures allow driving safe 800 km in one day, respecting the road legislation.*

**Amendment 128**  
**Ingeborg Gräble**

**Proposal for a regulation**  
**Article 1 – point 47**  
Staff Regulations  
Annex V – Article 7 – paragraph 1 – first indent

*Text proposed by the Commission*

*Amendment*

250 to **600** km: one day of home travelling time,

– 250 to **1000** km: one day of home travelling time,

Or. de

**Amendment 129**  
**Cristian Silviu Buşoi, Cecilia Wikström**

**Proposal for a regulation**  
**Article 1 – point 47**  
Staff Regulations  
Annex V – Article 7 – paragraph 1 – indent 2

*Text proposed by the Commission*

*Amendment*

– 601 to **1200** km: two days of home travelling time,

– 601 to **1100** km: two days of home travelling time,

Or. en

*Justification*

*For going to Munich, officials would have two days off, whereas officials going to eastern Member States would only get one extra day for a bigger difference in actual travelling time, especially when officials drive to their home Member State.*



**Amendment 130**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – indent 2

*Text proposed by the Commission*

– **601** to **1200** km: two days of home travelling time,

*Amendment*

– **801** to **1600** km: two days of home travelling time,

Or. en

*Justification*

*The European road infrastructures allow driving safe 800 km in one day, respecting the road legislation.*

**Amendment 131**  
**Ingeborg Gräble**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – second indent

*Text proposed by the Commission*

**601 to 1200** km: two days of home travelling time,

*Amendment*

– **more than 1000** km: two days of home travelling time.

Or. de

**Amendment 132**  
**Ingeborg Gräble**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – third indent

*Text proposed by the Commission*

*Amendment*

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

Or. de

*Justification*

*The three days of home travelling time in the EU are not consistent with the standards 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 133**

**Cristian Silviu Buşoi, Cecilia Wikström**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – indent 3

*Text proposed by the Commission*

*Amendment*

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

***– 1100 to 1600 km: three days of home travelling time,***

Or. en

*Justification*

*For going to Munich, officials would have two days off, whereas officials going to eastern Member States would only get one extra day for a bigger difference in actual travelling time, especially when officials drive to their home Member State.*

**Amendment 134**

**Sebastian Valentin Bodu**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – indent 3

*Text proposed by the Commission*

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

*Amendment*

– more than **1600** km: three days of home travelling time.

Or. en

*Justification*

*The European road infrastructures allow driving safe 800 km in one day, respecting the road legislation.*

**Amendment 135**

**Jiří Maštálka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – indent 3

*Text proposed by the Commission*

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

*Amendment*

– **1201 to 1800** km: three days of home travelling time.

Or. en

**Amendment 136**

**Cristian Silviu Buşoi, Cecilia Wikström**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – indent 3 a (new)

*Text proposed by the Commission*

*Amendment*

– **more than 1600 km: four days of home travelling time.**

Or. en

*Justification*

*For going to Munich, officials would have two days off, whereas officials going to eastern Member States would only get one extra day for a bigger difference in actual travelling time, especially when officials drive to their home Member State.*

**Amendment 137**

**Jiří Maštálka**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – indent 3 a (new)

*Text proposed by the Commission*

*Amendment*

***– 1801 to 2400 km: four days of home travelling time***

Or. en

**Amendment 138**

**Jiří Maštálka**

**Proposal for a regulation**

**Article 1 – point 47**

Staff Regulations

Annex V – Article 7 – paragraph 1 – indent 3 b (new)

*Text proposed by the Commission*

*Amendment*

***– more than 2400 km: five days of home travelling time***

Or. en

**Amendment 139**

**Raffaele Baldassarre**

**Proposal for a regulation**

**Article 1 – point 49 – point c**

*Text proposed by the Commission*

1. Officials entitled to the expatriation or foreign residence allowance shall be entitled, within the limit set out in paragraph 2, in each calendar year to a flat-rate payment corresponding to the cost of travel from the place of employment to the place of origin as defined in Article 7 for themselves and, if they are entitled to the household allowance, for the spouse and dependants within the meaning of Article 2.

Where a husband and wife are both officials of the European Union, each has the right in respect of himself or herself and in respect of dependants to the flat-rate payment of travelling expenses, in accordance with the above provisions; each dependant shall be entitled to one payment only. The payment in respect of dependent children is fixed at the request of the husband or wife, on the basis of the place of origin of one or other of them.

Where an official marries during a given year and thereby becomes entitled to the household allowance, the travel expenses payable for the spouse shall be calculated in proportion to the period from the date of the marriage to the end of the year.

Any alteration to the basis of calculation which may arise from changes in family status after the date of payment of the sums in question shall not render the official concerned liable to make repayment.

Travel expenses for children aged *less than two* years *during the entire calendar year* shall *not be reimbursed*.

*Amendment*

1. Officials *of grade AST 1 to 8 and AD 5 to 8* entitled to the expatriation or foreign residence allowance shall be entitled, within the limit set out in paragraph 2, in each calendar year to a flat-rate payment corresponding to the cost of travel from the place of employment to the place of origin as defined in Article 7 for themselves and, if they are entitled to the household allowance, for the spouse and dependants within the meaning of Article 2.

Where a husband and wife are both officials of the European Union, each has the right in respect of himself or herself and in respect of dependants to the flat-rate payment of travelling expenses, in accordance with the above provisions; each dependant shall be entitled to one payment only. The payment in respect of dependent children is fixed at the request of the husband or wife, on the basis of the place of origin of one or other of them.

Where an official marries during a given year and thereby becomes entitled to the household allowance, the travel expenses payable for the spouse shall be calculated in proportion to the period from the date of the marriage to the end of the year.

Any alteration to the basis of calculation which may arise from changes in family status after the date of payment of the sums in question shall not render the official concerned liable to make repayment.

Travel expenses for children aged *two to ten* years shall *be calculated on the basis of half of the kilometric allowance and half the flat-rate supplement, the children being deemed for the purposes of calculation to have completed their second or tenth year on 1 January of the current year*.

**Amendment 140**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article – point 49 – point c**  
Staff Regulations  
Annex VII – Article 8 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Officials ***entitled to the expatriation or foreign residence allowance*** shall be entitled, within the limit set out in paragraph 2, in each calendar year to a flat-rate payment corresponding to the cost of travel from the place of employment to the place of origin as defined in Article 7 for themselves and, if they are entitled to the household allowance, for the spouse and dependants within the meaning of Article 2.

*Amendment*

Officials shall be entitled, within the limit set out in paragraph 2, in each calendar year to a flat-rate payment corresponding to the cost of travel from the place of employment to the place of origin as defined in Article 7 for themselves and, if they are entitled to the household allowance, for the spouse and dependants within the meaning of Article 2.

**Amendment 141**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1– point 49 – point c**  
Staff Regulations  
Annex VII – Article 8 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

Where the place of origin as defined in Article 7 is outside the territories of the Member States of the Union as well as outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association, the flat-

*Amendment*

Where the place of origin as defined in Article 7 is outside the territories of the Member States of the Union as well as outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association, ***the***

rate payment shall be *based on an allowance per kilometre of geographical distance between the official's place of employment and the capital city of the Member State whose nationality he holds. Officials whose place of origin is outside the territories of the Member States of the European Union as well as outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association and who are not nationals of one of the Member States shall not be entitled to the flat-rate payment.*

*geographical distance used as the basis for the flat-rate payment shall be limited to the borders of the territories of the Member States of the European Union and of the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and of the territories of the Member States of the European Free Trade Association.*

Or. fr

**Amendment 142**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 49 – point d a (new)**  
Staff Regulations  
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 with a duration of less than eight hours, only the cost of an economy-class ticket shall be reimbursed.’**

Or. de

*Justification*

*Adjustment in line with practice in the Member States.*

**Amendment 143**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1 – point 50 – point a**  
Staff Regulations  
Annex VIII – Article 5

*Text proposed by the Commission*

*Amendment*

***(a) In Article 5, the number ‘63’ shall be replaced by ‘65’;*** ***deleted***

Or. en

**Amendment 144**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1 – point 50 – point c – point i**  
Staff Regulations  
Annex VIII – Article 9

*Text proposed by the Commission*

*Amendment*

***(i) The number ‘63’ shall be replaced by ‘65’;*** ***deleted***

Or. en

**Amendment 145**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 50 – point c – point i a (new)**  
Staff Regulations  
Annex VIII – Article 9 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

***ia) Paragraph 1, point a) shall be replaced by the following:***



*'a) be deferred until the first day of the calendar month following that in which he reaches the age of 65, even if he has not completed 10 years' service;'*

Or. fr

**Amendment 146**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 50 – point d a (new)**  
Staff Regulations  
Annex VIII – Article 11 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

*(da) the following shall be added at the end of Article 11, paragraph 2, subparagraph 2:*

*'The number of years of pensionable service recognised may not be less than half the former period of service concerned'.*

Or. fr

**Amendment 147**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 50 – point e**  
Staff Regulations  
Annex VIII – Article 12 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*e) In Article 12(1) and (2), the number '63' shall be replaced by '65';*

*e) Article 12 shall be amended as follows:*

*i) Paragraph 1 shall be replaced by the following:*

*'1. An official aged less than 65 years whose service terminates for reasons*

*other than death or invalidity without qualifying for an immediate or deferred retirement pension shall be entitled, on leaving the service:*

*a) where he has completed less than one year's service and has not made use of the arrangement laid down in Article 11(2), to payment of a severance grant equal to three times the amounts withheld from his basic salary in respect of his pension contributions, after deduction of any amounts paid under Articles 42 and 112 of the Conditions of Employment of other servants;*

*b) in other cases, to a pension provided under Article 11(1) and deferred until the first day of the calendar month following that in which he reaches the age of 63 years, or to payment of the actuarial equivalent of such pension to a private insurance company or pension fund of his choice, on condition such company or fund guarantees that:*

*i) the capital will not be repaid;*

*ii) a monthly income will be paid from age 60 at the earliest, and age 65 at the latest;*

*iii) provisions are included for reversion or survivors' pensions;*

*iv) transfer to another insurance company or other fund will be authorised only if such fund fulfils the conditions laid down in points i) to iii).';*

*ii) In paragraphs 1 and 2 the figure '63' shall be replaced by '65';*

Or. fr

**Amendment 148**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1 – point 50 – point e**

Staff Regulations  
Annex VIII – Article 12 – paragraphs 1 and 2

*Text proposed by the Commission*

*Amendment*

***(e) In Article 12(1) and (2), the number '63' shall be replaced by '65';*** ***deleted***

Or. en

**Amendment 149**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 1 – point 50 – point f**  
Staff Regulations  
Annex VIII – Articles 15 and 18 a

*Text proposed by the Commission*

*Amendment*

***(f) In Articles 15 and 18a, the number '63' shall be replaced by '65';*** ***deleted***

Or. en

**Amendment 150**  
**Ingeborg Gräble**

**Proposal for a regulation**  
**Article 1 – point 51 – point -a (new)**  
Staff Regulations  
Annex IX – Article 1 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(-a) Article 1(2) shall be replaced by the following:***

**"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."**

Or. de

*Justification*

*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 151  
Ingeborg Gräßle**

**Proposal for a regulation  
Article 1 – point 51 – point b a (new)  
Staff Regulations  
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.'***

Or. en

**Amendment 152  
Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 52 – point -a (new)**  
Staff Regulations  
Annex X – Article 6

*Text proposed by the Commission*

*Amendment*

***(-a) Article 6 shall be replaced by the following:***

***'Article 6***

***An official shall, per calendar year, be entitled to annual leave **three** working days for each month of service.'***

Or. en

**Amendment 153**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 52 – point -a (new)**  
Staff Regulations  
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.'***

Or. de

*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 154**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 52 – point -a a (new)**  
Staff Regulations  
Annex X – Article 9

*Text proposed by the Commission*

*Amendment*

***(-aa) 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. It shall however be extended by the addition of travelling time calculated in accordance with Article 7 of Annex V to the Staff Regulations.***

***2. The rest leave provided for in Article 8 may not exceed 15 working days, including travelling time calculated in accordance with Article 7 of Annex V, per year.’***

Or. de

*Justification*

*The aim of the amendment is to reduce the periods spent away from their places of work by EU staff serving in third countries.*

**Amendment 155**  
**Ingeborg Gräßle**

**Proposal for a regulation**  
**Article 1 – point 52 – point b a (new)**  
Staff Regulations  
Annex X – Article 20 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***(b a) Article 20 (2) shall be replaced by the following:***

***‘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 with a duration of less than eight hours, only the cost of an economy-class ticket shall be reimbursed.’***

Or. de

*Justification*

*Adjustment in line with practice in the Member States.*

**Amendment 156**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 1 – point 53**  
Staff Regulations  
Annex XI – Chapter 7

*Text proposed by the Commission*

*Amendment*

***CHAPTER 7***

***deleted***

***FINAL PROVISION AND REVIEW  
CLAUSE***

***Article 14***

***1. The provisions of this Annex shall apply from 1 January 2013 to 31 December 2022.***

***2. They may be reviewed at the end of the fifth year particularly in the light of their budgetary implications. To this end, the***

***Commission shall submit a report to the European Parliament and the Council and, where appropriate, a proposal to amend this Annex on the basis of Article 336 of the Treaty on the Functioning of the European Union.'***

Or. en

**Amendment 157**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 53**  
Staff Regulations  
Annex XI – Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***Point 53*** shall be replaced by the following:

***'The provisions of this Annex shall apply from 1 January 2013 to 31 December 2022.'***

Or. fr

**Amendment 158**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 55 – point c a (new)**  
Staff Regulations  
Annex XIII – Article 18 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) The following paragraph shall be inserted in Article 18:***

***'1a. An official in service on 31 December 2012 shall retain his entitlement to the travelling time provided for in Article 7 of Annex V and the flat-rate payment of***



*travelling expenses provided for in Article 8 of Annex VII, even if he is not in receipt of the foreign residence or expatriation allowance.*

*An official in service on 31 December 2012 shall retain his entitlement to the flat-rate payment of travelling expenses from his place of employment to his place of origin provided for in Article 8 of Annex VII, even if said place of origin lies outside the territory of the Member States of the Union or outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union or outside the territory of the European Free Trade Association States.'*

Or. fr

**Amendment 159**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 1 – point 55 – point e**  
Staff Regulations  
Annex XIII – Article 22 – paragraph 1 – subparagraph 2 – table

*Text proposed by the Commission*

Age on 1 May 2013	Pensionable age	Age on 1 May 2013	Pensionable age
59 years and above	<b><i>60 years 0 months</i></b>	44 years	<b><i>62 years 8 months</i></b>
58 years	<b><i>60 years 2 months</i></b>	43 years	<b><i>62 years 11 months</i></b>
57 years	<b><i>60 years 4 months</i></b>	42 years	<b><i>63 years 1 months</i></b>
56 years	<b><i>60 years 6 months</i></b>	41 years	<b><i>63 years 3 months</i></b>
55 years	<b><i>60 years 8 months</i></b>	40 years	<b><i>63 years 5 months</i></b>
54 years	<b><i>60 years 10 months</i></b>	39 years	<b><i>63 years 7 months</i></b>
53 years	<b><i>61 years 0 months</i></b>	38 years	<b><i>64 years 0 months</i></b>
52 years	<b><i>61 years 2 months</i></b>	37 years	<b><i>64 years 1 months</i></b>
51 years	<b><i>61 years 4 months</i></b>	36 years	<b><i>64 years 2 months</i></b>
50 years	<b><i>61 years 6 months</i></b>	35 years	<b><i>64 years 3 months</i></b>
49 years	<b><i>61 years 9 months</i></b>	34 years	<b><i>64 years 4 months</i></b>

48 years	<b>62 years 0 months</b>	33 years	<b>64 years 5 months</b>
47 years	<b>62 years 2 months</b>	32 years	<b>64 years 6 months</b>
46 years	<b>62 years 4 months</b>	31 years	<b>64 years 7 months</b>
45 years	<b>62 years 6 months</b>	30 years	<b>64 years 8 months</b>

*Amendment*

Age on 1 May 2013	Pensionable age	Age on 1 May 2013	Pensionable age
59 years and above	<b>61 years 0 months</b>	44 years	<b>64 years 2 months</b>
58 years	<b>61 years 3 months</b>	43 years	<b>64 years 4 months</b>
57 years	<b>61 years 6 months</b>	42 years	<b>64 years 6 months</b>
56 years	<b>61 years 9 months</b>	41 years	<b>64 years 8 months</b>
55 years	<b>62 years 0 months</b>	40 years	<b>64 years 10 months</b>
54 years	<b>62 years 3 months</b>	39 years	<b>65 years</b>
53 years	<b>62 years 6 months</b>	38 years	<b>65 years</b>
52 years	<b>62 years 9 months</b>	37 years	<b>65 years</b>
51 years	<b>63 years</b>	36 years	<b>65 years</b>
50 years	<b>63 years 2 months</b>	35 years	<b>65 years</b>
49 years	<b>63 years 4 months</b>	34 years	<b>65 years</b>
48 years	<b>63 years 6 months</b>	33 years	<b>65 years</b>
47 years	<b>63 years 8 months</b>	32 years	<b>65 years</b>
46 years	<b>63 years 10 months</b>	31 years	<b>65 years</b>
45 years	<b>64 years</b>	30 years	<b>65 years</b>

Or. en

**Amendment 160**  
**Cecilia Wikström**

**Proposal for a regulation**  
**Article 1 – point 55 – point e**  
Staff Regulations  
Annex XIII – Article 22 – paragraph 1 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

***However, for officials aged 43 years or more on 1 May 2013 who entered the service between 1 May 2004 and 31 December 2012, the retirement age shall remain 63 years.*** ***deleted***

**Amendment 161**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 55 – point f – point i**  
 Staff Regulations  
 Annex XIII – Article 23 – paragraph 1

*Text proposed by the Commission*

1. ***Notwithstanding*** Article 52 of the Staff Regulations, ***officials who enter the service before 1 January 2013 and who leave the service before the age at which they would have become entitled to a retirement pension in accordance with Article 22 of this Annex may request the second subparagraph of point (b) of Article 9(1) of Annex VIII to be applied from the age determined in accordance with*** the table below:

<b><i>Until 31 December 2013</i></b>	<b><i>55 years 6 months</i></b>
<b><i>Until 31 December 2014</i></b>	<b><i>56 years</i></b>
<b><i>Until 31 December 2015</i></b>	<b><i>56 years 6 months</i></b>
<b><i>Until 31 December 2016</i></b>	<b><i>57 years</i></b>
<b><i>Until 31 December 2017</i></b>	<b><i>57 years 6 months</i></b>

*Amendment*

1. ***The table in Article 23 of Annex XIII of the Staff Regulations shall be replaced by*** the table below:

<b><i>Age at 1 May 2013</i></b>	<b><i>Minimum age</i></b>
<b><i>54 years or over</i></b>	<b><i>50 years</i></b>
<b><i>53 years</i></b>	<b><i>50 years 6 months</i></b>
<b><i>52 years</i></b>	<b><i>51 years</i></b>
<b><i>51 years</i></b>	<b><i>51 years 6 months</i></b>
<b><i>50 years</i></b>	<b><i>52 years</i></b>
<b><i>49 years</i></b>	<b><i>52 years 7 months</i></b>
<b><i>48 years</i></b>	<b><i>53 years 2 months</i></b>
<b><i>47 years</i></b>	<b><i>53 years 9 months</i></b>
<b><i>46 years</i></b>	<b><i>54 years 4 months</i></b>
<b><i>45 years</i></b>	<b><i>54 years 11 months</i></b>

<i>months (+ 5 m.)</i>	
<i>44 years</i>	<i>55 years 6</i>
<i>months (+ 6 m.)</i>	
<i>43 years</i>	<i>56 years 1</i>
<i>month</i>	
<i>42 years</i>	<i>56 years 8</i>
<i>months</i>	
<i>41 years</i>	<i>57 years 3</i>
<i>months</i>	
<i>40 years</i>	<i>57 years 10</i>
<i>months</i>	
<i>less than 40 years</i>	<i>58 years</i>

Or. fr

**Amendment 162**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 55 – point g a (new)**  
Staff Regulations  
Annex XIII – Article 26 a (new)

*Text proposed by the Commission*

*Amendment*

***(ga) The following Article 26a shall be inserted after Article 26:***

***‘Article 26a***

***Officials who requested the transfer of their pension entitlements within the time limit set but refused the transfer proposal they were offered, who did not request the transfer within the time set or whose request was refused on the grounds it was made after the deadline, may still submit their request or reapply by 31 December 2013 at the latest.’***

Or. fr

**Amendment 163**  
**Cristian Silviu Buşoi**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 1 – introductory wording

*Text proposed by the Commission*

1. By way of derogation from Annex I, Section A, point 2, the following table of types of posts in function group AST shall apply to officials in service on 31 December **2012**:

*Amendment*

1. By way of derogation from Annex I, Section A, point 2, the following table of types of posts in function group AST shall apply to officials in service on 31 December **2014**:

Or. en

*Justification*

*Eight years after the enlargement, there are no Commission officials coming from the new Member States (enlargement 2004 and 2007) in grades AST10-11. This situation should be as far as possible corrected before the new division of the career paths is introduced, making promotion even more difficult.*

**Amendment 164**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 1 – introductory wording

*Text proposed by the Commission*

1. By way of derogation from Annex I, Section A, point 2, the following table of types of posts in function group AST shall apply to officials in service on 31 December **2012**:

*Amendment*

1. By way of derogation from Annex I, Section A, point 2, the following table of types of posts in function group AST shall apply to officials in service on 31 December **2014**:

Or. en

*Justification*

*Eight years after the enlargement, there are 0 (zero) Commission officials from EU12 in grades AST10-11. This situation should be as far as possible corrected before the new division of the career paths is introduced, making promotion even more difficult (see article 30 (4))*

**Amendment 165**

**Cristian Silviu Buşoi**

**Proposal for a regulation**

**Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 2 – introductory wording

*Text proposed by the Commission*

*Amendment*

2. With effect from 1 January **2013**, the appointing authority shall classify officials in service on 31 December **2012** in function group AST in types of posts as follows, notwithstanding the descriptions given in paragraph 1:

2. With effect from 1 January **2015**, the appointing authority shall classify officials in service on 31 December **2014** in function group AST in types of posts as follows, notwithstanding the descriptions given in paragraph 1:

Or. en

*Justification*

*Eight years after the enlargement, there are no Commission officials coming from the new Member States (enlargement 2004 and 2007) in grades AST10-11. This situation should be as far as possible corrected before the new division of the career paths is introduced, making promotion even more difficult.*

**Amendment 166**

**Sebastian Valentin Bodu**

**Proposal for a regulation**

**Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 2 – introductory wording

*Text proposed by the Commission*

*Amendment*

2. With effect from 1 January **2013**, the

2. With effect from 1 January **2015**, the

appointing authority shall classify officials in service on 31 December **2012** in function group AST in types of posts as follows, notwithstanding the descriptions given in paragraph 1:

appointing authority shall classify officials in service on 31 December **2014** in function group AST in types of posts as follows, notwithstanding the descriptions given in paragraph 1:

Or. en

#### *Justification*

*Eight years after the enlargement, there are 0 (zero) Commission officials from EU12 in grades AST10-11. This situation should be as far as possible corrected before the new division of the career paths is introduced, making promotion even more difficult (see article 30 (4))*

#### **Amendment 167** **Cristian Silviu Buşoi**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**  
Staff Regulations  
Annex XIII – Article 30 – paragraph 2 – point a

#### *Text proposed by the Commission*

(a) Officials who were in grade AST 10 or AST 11 on 31 December **2012** shall be classified as Senior Assistant.

#### *Amendment*

(a) Officials who were in grade AST 10 or AST 11 on 31 December **2014** shall be classified as Senior Assistant.

Or. en

#### *Justification*

*Eight years after the enlargement, there are no Commission officials coming from the new Member States (enlargement 2004 and 2007) in grades AST10-11. This situation should be as far as possible corrected before the new division of the career paths is introduced, making promotion even more difficult.*

#### **Amendment 168** **Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**

Staff Regulations  
Annex XIII – Article 30 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) Officials who were in grade AST 10 or AST 11 on 31 December **2012** shall be classified as Senior Assistant.

(a) Officials who were in grade AST 10 or AST 11 on 31 December **2014** shall be classified as Senior Assistant.

Or. en

*Justification*

*Eight years after the enlargement, there are 0 (zero) Commission officials from EU12 in grades AST10-11. This situation should be as far as possible corrected before the new division of the career paths is introduced, making promotion even more difficult (see article 30 (4))*

**Amendment 169**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**  
Staff Regulations  
Annex XIII – Article 30 – paragraph 2 – point a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) Officials who are in grade AST 8 or AST 9 on 31 December 2012 and are effectively carrying out the duties of a senior assistant shall be classified as Senior Assistants;***

Or. fr

**Amendment 170**  
**Cristian Silviu Buşoi**

**Proposal for a regulation**  
**Article 1 – point 55 – point i, point e**  
Staff Regulations  
Annex XIII – Article 30 – paragraph 2 – subparagraph 1a (new)



*Text proposed by the Commission*

*Amendment*

***The institutions shall by 31 December 2014 implement a plan of corrective measures as referred to in Article 27.***

Or. en

*Justification*

*Eight years after the enlargement, there are no Commission officials coming from the new Member States (enlargement 2004 and 2007) in grades AST10-11. This situation should be as far as possible corrected before the new division of the career paths is introduced, making promotion even more difficult.*

**Amendment 171**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**  
Staff Regulations  
Annex XIII – Article 30 – paragraph 2 subparagraph 1a(new)

*Text proposed by the Commission*

*Amendment*

***In accordance with Article 27, the institutions shall by 31 December 2014 implement a plan of corrective measures, in particular regarding senior assistants.***

Or. en

*Justification*

*Eight years after the enlargement, there are 0 (zero) Commission officials from EU12 in grades AST10-11. This situation should be as far as possible corrected before the new division of the career paths is introduced, making promotion even more difficult (see article 30 (4))*

**Amendment 172**  
**Cristian Silviu Buşoi**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 3

*Text proposed by the Commission*

3. By derogation to paragraph 2, point (e), officials recruited on the basis of a competition at a grade lower than AST 3 may be classified by the appointing authority before 31 December **2015** as Assistants in the interest of the service and upon the basis of the post occupied on 31 December **2012**. Each appointing authority shall lay down provisions to give effect to this Article in accordance with Article 110 of the Staff Regulations. However, the total number of Administrative Assistants in transition benefiting from this provision shall not exceed **5%** of the Administrative Assistants in transition on 1 January **2013**.

*Amendment*

3. By derogation to paragraph 2, point (e), officials recruited on the basis of a competition at a grade lower than AST 3 may be classified by the appointing authority before 31 December **2016** as Assistants in the interest of the service and upon the basis of the post occupied on 31 December **2014**. Each appointing authority shall lay down provisions to give effect to this Article in accordance with Article 110 of the Staff Regulations. However, the total number of Administrative Assistants in transition benefiting from this provision shall not exceed **10%** of the Administrative Assistants in transition on 1 January **2015**.

Or. en

*Justification*

*The changes in career structures would be too sudden especially if corrective measures are to be taken, as referred to in article 27.*

**Amendment 173**  
**Sebastian Valentin Bodu**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 3

*Text proposed by the Commission*

3. By derogation to paragraph 2, point (e), officials recruited on the basis of a competition at a grade lower than AST 3 may be classified by the appointing authority before 31 December **2015** as

*Amendment*

3. By derogation to paragraph 2, point (e), officials recruited on the basis of a competition at a grade lower than AST 3 may be classified by the appointing authority before 31 December **2016** as

Assistants in the interest of the service and upon the basis of the post occupied on 31 December **2012**. Each appointing authority shall lay down provisions to give effect to this Article in accordance with Article 110 of the Staff Regulations. However, the total number of Administrative Assistants in transition benefiting from this provision shall not exceed **5%** of the Administrative Assistants in transition on 1 January **2013**.

Assistants in the interest of the service and upon the basis of the post occupied on 31 December **2014**. Each appointing authority shall lay down provisions to give effect to this Article in accordance with Article 110 of the Staff Regulations. However, the total number of Administrative Assistants in transition benefiting from this provision shall not exceed **10%** of the Administrative Assistants in transition on 1 January **2015**.

Or. en

### *Justification*

*There should not be drastic and sudden changes in the career structures in particular if there is a need to apply corrective measures in line with article 27.*

#### **Amendment 174**

**Thomas Händel, Younous Omarjee**

#### **Proposal for a regulation**

#### **Article 1 – point 55 – point i**

Staff Regulations

Annex XIII – Article 30 – paragraph 6 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***6a. ‘By way of derogation from Annex I, section B, the multiplication rates for guiding average career equivalence for grade 9 of function group AST are as follows:***

***for 2013: 20 %***

***for 2014: 20 %***

***for 2015: 17 %***

***for 2016: 14 %***

***for 2017: 11 %***

***from 2018: 8 %’***

Or. fr

**Amendment 175**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**  
Staff Regulations  
Annex XIII – Article 30 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***7a. Officials aged 55 years or over on 1 January 2013 may work half time in accordance with Article 55a(2)(e) of the Staff Regulations and Article 4 of Annex IVa for a maximum period of five years prior to their retirement.'***

Or. fr

**Amendment 176**  
**Tadeusz Zwiefka**

**Proposal for a regulation**  
**Article 1 – point 55 – point i**  
Staff Regulations  
Annex XIII – Article 31

*Text proposed by the Commission*

*Amendment*

***31. By way of derogation from the first sentence of the fourth subparagraph of Article 1 of Annex II to the Staff Regulations, the representation of the function group AST/SC need not to be ensured in the Staff Committee until 1 January 2017.***

*deleted*

Or. en

**Amendment 177**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 9**

Conditions of Employment  
Article 14 – paragraph 1- subparagraph 1

*Text proposed by the Commission*

'A member of the temporary staff shall serve a nine month probationary period.

*Amendment*

A member of the temporary staff ***whose contract is for a period of at least one year or for an indefinite period*** shall serve a nine month probationary period. ***A member of the temporary staff whose contract is for a period of less than one year may be required to serve a probationary period which may not exceed six months.***

Or. fr

**Amendment 178**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 2 – point 10 a (new)**  
Conditions of Employment  
Article 16 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***10a. Article 16(1) shall be replaced by the following:***

***'Articles 41 to 46 and 55 to 61 of the Staff Regulations, shall apply by analogy. Special leave and parental and family leave shall not extend beyond the term of the contract.'***

Or. en

**Amendment 179**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 10 a (new)**  
Conditions of Employment  
Article 16 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***10a. The following paragraph shall be added to Article 16:***

***‘The second and third paragraphs shall not apply to staff members with permanent contracts.’***

Or. fr

**Amendment 180**

**Younous Omarjee, Thomas Händel**

**Proposal for a regulation**

**Article 2 – point 11 a (new)**

Conditions of Employment

Article 17 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***11a. The following paragraph shall be added to Article 17 after paragraph 4:***

***‘Women whose maternity leave begins before the end of their contract will be entitled to maternity leave and maternity pay.’***

Or. fr

**Amendment 181**

**Jiří Maštálka**

**Proposal for a regulation**

**Article 2 – point 14 – point a**

Conditions of Employment

Article 34 – paragraphs 2 and 3

*Text proposed by the Commission*

*Amendment*

***(a) In the second and third paragraphs, the number ‘63’ shall be replaced by ‘65’;***

***deleted***

**Amendment 182**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 2 – point 16**  
Conditions of Employment  
Article 37–paragraph 4

*Text proposed by the Commission*

16. In the fourth paragraph of Article 37, ***the number ‘63’ shall be replaced by ‘65’, and*** the words ‘Article 2(a), (c) or (d)’ shall be replaced by ‘Article 2 (a), (c), (d), (e) or (f)’;

*Amendment*

16. In the fourth paragraph of Article 37 the words ‘Article 2(a), (c) or (d)’ shall be replaced by ‘Article 2 (a), (c), (d), (e) or (f)’;

**Amendment 183**  
**Jiří Maštálka**

**Proposal for a regulation**  
**Article 2 – point 19**  
Conditions of Employment  
Article 47– point a

*Text proposed by the Commission*

***19. Point (a) of Article 47 shall be replaced by the following:***  
***‘at the end of the month in which the servant reaches the age of 65, or, on an exceptional basis, at the date fixed in accordance with the second subparagraph of Article 52(b) of the Staff Regulations; or’;***

*Amendment*

***deleted***

**Amendment 184**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 19**  
Conditions of Employment  
Article 47 – point a

*Text proposed by the Commission*

'at the end of the month in which the servant reaches the age of 65, or, ***on an exceptional basis***, at the date fixed in accordance with the second subparagraph of Article 52(b) of the Staff Regulations; or';

*Amendment*

'at the end of the month in which the servant reaches the age of 65, or at the date fixed in accordance with the second subparagraph of Article 52(b) of the Staff Regulations; or';

Or. fr

**Amendment 185**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 19 a (new)**  
Conditions of Employment  
Article 47 – point c – point i

*Text proposed by the Commission*

*Amendment*

***In Article 47(c)(i), the words ‘and a maximum of 10 months’ shall be deleted.***

Or. fr

**Amendment 186**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 19 a (new)**  
Conditions of Employment  
Article 48 – point b



*Text proposed by the Commission*

*Amendment*

**19a. Article 48(b) shall be replaced by the following:**

***‘(b) if the servant appointed under a fixed-term contract is unable to resume his duties at the end of a period of paid sick leave as provided for in Article 16. In such case, the servant shall receive an allowance equal to his basic salary, plus family allowances at the rate of two days per month of service completed.’***

Or. fr

**Amendment 187**

**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**

**Article 2 – point 21**

Conditions of Employment

Article 51

*Text proposed by the Commission*

*Amendment*

Article 37, with the exception of point (b) of the first paragraph, and **Article** 38 of the Staff Regulations shall apply by analogy to members of the temporary staff referred to in Article 2(f).

Article 37, with the exception of point (b) of the first paragraph, and **Articles** 38 **and** 45 of the Staff Regulations shall apply by analogy to members of the temporary staff referred to in Article 2(f).

Or. fr

**Amendment 188**

**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**

**Article 2 – point 21**

Conditions of Employment

Article 53 – paragraph 2

*Text proposed by the Commission*

In case of an external selection procedure, temporary staff referred to in Article 2(f) shall be engaged only at grades SC1, AST 1 to AST 4 or AD 5 to AD 8. However, the agency may, where appropriate, authorise the engagement at grade AD 9, AD 10, AD 11 or, on an exceptional basis, at grade AD 12. The total number of engagements at grades AD 9 to AD 12 in an agency shall not exceed 20 % of the total number of engagements of temporary staff to the function group AD, calculated over a five-year rolling period.

*Amendment*

In case of an external selection procedure, temporary staff referred to in Article 2(f) shall be engaged only at grades SC1 **to SC3**, AST 1 to AST 4 or AD 5 to AD 8. However, the agency may, where appropriate, authorise the engagement at grade AD 9, AD 10, AD 11 or, on an exceptional basis, at grade AD 12. The total number of engagements at grades AD 9 to AD 12 in an agency shall not exceed 20 % of the total number of engagements of temporary staff to the function group AD, calculated over a five-year rolling period.

Or. fr

**Amendment 189**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 21**  
Conditions of Employment  
Article 54 – paragraph 1

*Text proposed by the Commission*

In the case of temporary staff referred to in Article 2(f), classification in the next higher grade shall be exclusively by selection from among staff members who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such temporary staff and of the reports on them. The last sentence of Article 45(1) and Article 45(2) of the Staff Regulations shall apply by analogy. The multiplication rates for guiding average career equivalence, as set out for officials in Section B of Annex I to the Staff Regulations, **may not be exceeded.**

*Amendment*

In the case of temporary staff referred to in Article 2(f), classification in the next higher grade shall be exclusively by selection from among staff members who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such temporary staff and of the reports on them. The last sentence of Article 45(1) and Article 45(2) of the Staff Regulations shall apply by analogy. The multiplication rates for guiding average career equivalence, as set out for officials in Section B of Annex I to the Staff Regulations, **shall apply by analogy.**

**Amendment 190**  
**Raffaele Baldassarre**

**Proposal for a regulation**  
**Article 2 – point 29**  
 Conditions of Employment  
 Article 88 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

**29. In point (b) of the first subparagraph of Article 88, the terms ‘three years’ shall be replaced by the terms ‘six years’;** *deleted*

Or. en

**Amendment 191**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 30 a (new)**  
 Conditions of Employment  
 Article 93

*Text proposed by the Commission*

FUNCTION GROUP	GRADE	Step						
		1	2	3	4	5	6	7
IV	18	5 832,42	5 953,71	6 077,52	6 203,91	6 332,92	6 464,62	6 599,06
	17	5 154,85	5 262,04	5 371,47	5 483,18	5 597,20	5 713,60	5 832,42
	16	4 555,99	4 650,73	4 747,45	4 846,17	4 946,95	5 049,83	5 154,85
	15	4 026,70	4 110,44	4 195,92	4 283,18	4 372,25	4 463,17	4 555,99
	14	3 558,90	3 632,91	3 708,46	3 785,58	3 864,31	3 944,67	4 026,70
III	13	3 145,45	3 210,86	3 277,63	3 345,80	3 415,37	3 486,40	3 558,90
	12	4 026,63	4 110,36	4 195,84	4 283,09	4 372,15	4 463,07	4 555,88
	11	3 558,86	3 632,87	3 708,41	3 785,53	3 864,25	3 944,60	4 026,63
	10	3 145,45	3 210,86	3 277,63	3 345,80	3 415,37	3 486,40	3 558,90
	9	2 780,03	2 837,84	2 896,86	2 957,09	3 018,59	3 081,36	3 145,43

	8	2 457,08	2 508,17	2 560,33	2 613,57	2 667,92	2 723,40	2 780,03
	7	2 780,03	2 837,84	2 896,86	2 957,09	3 018,59	3 081,36	3 145,43
II	6	2 456,97	2 508,07	2 560,24	2 613,49	2 667,84	2 723,33	2 779,98
	5	2 171,49	2 216,65	2 262,76	2 309,82	2 357,86	2 406,91	2 456,97
	4	1 919,18	1 959,10	1 999,84	2 041,44	2 083,90	2 127,24	2 171,49
I	3	<b>2 364,28</b>	<b>2 413,35</b>	<b>2 463,43</b>	<b>2 514,56</b>	<b>2 566,74</b>	<b>2 620,01</b>	<b>2 674,39</b>
	2	<b>2 090,12</b>	<b>2 133,50</b>	<b>2 177,78</b>	<b>2 222,98</b>	<b>2 269,11</b>	<b>2 316,21</b>	<b>2 364,28</b>
	1	<b>1 847,76</b>	<b>1 886,11</b>	<b>1 925,25</b>	<b>1 965,21</b>	<b>2 005,99</b>	<b>2 047,63</b>	<b>2 090,12</b>

*Amendment*

FUNCTION GROUP	Step	GRADE						
		1	2	3	4	5	6	7
	<b>19</b>	5 832,42	5 953,71	6 077,52	6 203,91	6 332,92	6 464,62	6 599,06
	<b>18</b>	5 154,85	5 262,04	5 371,47	5 483,18	5 597,20	5 713,60	5 832,42
IV	<b>17</b>	4 555,99	4 650,73	4 747,45	4 846,17	4 946,95	5 049,83	5 154,85
	<b>16</b>	4 026,70	4 110,44	4 195,92	4 283,18	4 372,25	4 463,17	4 555,99
	<b>15</b>	3 558,90	3 632,91	3 708,46	3 785,58	3 864,31	3 944,67	4 026,70
	<b>14</b>	3 145,45	3 210,86	3 277,63	3 345,80	3 415,37	3 486,40	3 558,90
	<b>13</b>	4 026,63	4 110,36	4 195,84	4 283,09	4 372,15	4 463,07	4 555,88
	<b>12</b>	3 558,86	3 632,87	3 708,41	3 785,53	3 864,25	3 944,60	4 026,63
III	<b>11</b>	3 145,45	3 210,86	3 277,63	3 345,80	3 415,37	3 486,40	3 558,90
	<b>10</b>	2 780,03	2 837,84	2 896,86	2 957,09	3 018,59	3 081,36	3 145,43
	<b>9</b>	2 457,08	2 508,17	2 560,33	2 613,57	2 667,92	2 723,40	2 780,03
	<b>8</b>	<b>3 145,45</b>	<b>3 210,86</b>	<b>3 277,63</b>	<b>3 345,80</b>	<b>3 415,37</b>	<b>3 486,40</b>	<b>3 558,90</b>
	<b>7</b>	2 780,03	2 837,84	2 896,86	2 957,09	3 018,59	3 081,36	3 145,43
II	<b>6</b>	2 456,97	2 508,07	2 560,24	2 613,49	2 667,84	2 723,33	2 779,98
	<b>5</b>	2 171,49	2 216,65	2 262,76	2 309,82	2 357,86	2 406,91	2 456,97
		1 919,18	1 959,10	1 999,84	2 041,44	2 083,90	2 127,24	2 171,49
	<b>4</b>	<b>2 780,03</b>	<b>2 837,84</b>	<b>2 896,86</b>	<b>2 957,09</b>	<b>3 018,59</b>	<b>3 081,36</b>	<b>3 145,43</b>
	<b>3</b>	<b>2 457,08</b>	<b>2 508,17</b>	<b>2 560,33</b>	<b>2 613,57</b>	<b>2 667,92</b>	<b>2 723,40</b>	<b>2 780,03</b>
I								
	<b>2</b>	<b>2 171,49</b>	<b>2 216,65</b>	<b>2 262,76</b>	<b>2 309,82</b>	<b>2 357,86</b>	<b>2 406,91</b>	<b>2 456,97</b>
	<b>1</b>	<b>1 919,18</b>	<b>1 959,10</b>	<b>1 999,84</b>	<b>2 041,44</b>	<b>2 083,90</b>	<b>2 127,24</b>	<b>2 171,49</b>

Or. fr

**Amendment 192**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 33 a (new)**  
Conditions of Employment  
Article 126 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***33a. Article 126(1) shall be replaced by the following:***

***'1. The accredited parliamentary assistant shall be classified by grade via a fair system proposed by the authority, in accordance with the indication given by the Member or Members whom the assistant will support, in accordance with their proved qualifications and the implementing measures referred to in Article 125(1). In order to be classified in grades 14 to 19, as set out in Article 133, accredited parliamentary assistants shall be required, as a minimum, to have a university degree or equivalent professional experience.'***

Or. en

**Amendment 193**  
**Antonio Masip Hidalgo**

**Proposal for a regulation**  
**Article 2 – point 33 a (new)**  
Conditions of Employment  
Article 126 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***33a. Article 126(1) shall be replaced by the following:***

***'1. The accredited parliamentary assistant shall be classified by grade via a fair system in accordance with the indication given by the Member or***

**Members whom the assistant will support, in accordance with *their certified qualifications and the implementing measures referred to in Article 125(1)*. In order to be classified in grades 14 to 19, as set out in Article 133, accredited parliamentary assistants shall be required, as a minimum, to have a university degree or equivalent professional experience.**

Or. en

**Amendment 194**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 33 b (new)**  
Conditions of Employment  
Article 126 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***In Article 126(1), the following subparagraph shall be added:***

***‘By way of derogation from Article 9, the arrangements relating to the autonomous representation of accredited parliamentary assistants shall be laid down by the implementing measures referred to in Article 125(1) taking into account that a formal link shall be established between the statutory representation of staff and the autonomous representation of assistants.’;***

Or. en

**Amendment 195**  
**Antonio Masip Hidalgo**

**Proposal for a regulation**  
**Article 2 – point 33 b (new)**  
Conditions of Employment  
Article 126 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***In Article 126(1), the following subparagraph shall be added:***

***'By way of derogation from Article 9, the arrangements relating to the autonomous representation of accredited parliamentary assistants shall be laid down by the implementing measures referred to in Article 125(1) taking into account that a formal link shall be established between the statutory representation of staff and the autonomous representation of assistants.'***

Or. en

**Amendment 196**  
**Younous Omarjee, Thomas Händel**

**Proposal for a regulation**  
**Article 2 – point 33 c (new)**  
Conditions of Employment  
Article 126 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***33c. In the second subparagraph of Article 126(2), after the words: 'taking into account that a formal link shall be established between the statutory representation of staff and the autonomous representation of assistants' the following shall be added:***

***'In the absence of any formally established link between the autonomous representation of assistants and the statutory representation of staff, or if the autonomous representation of assistants judges these links to be invalid, the***

*autonomous representation of assistants may at any time refer its objection to the European Court of Justice of the European Union for a ruling thereon. In such a case, the legal fees of the autonomous representation of assistants shall be met by Parliament, which shall not be allowed to require it to use the services of a preselected lawyer or legal firm.'*

Or. fr

**Amendment 197**  
**Younous Omarjee, Thomas Händel**

**Proposal for a regulation**  
**Article 2 – point 33 d (new)**  
Conditions of Employment  
Article 129 – paragraph 1

*Text proposed by the Commission*

*Amendment*

*33d. In Article 129(1), after the words: 'the requirements of Article 128(2)(d)', the following shall be added: 'The strict confidentiality of the data obtained in the course of the medical examination shall be guaranteed. The medical examination shall accordingly be strictly limited to what is necessary to establish the fitness of the accredited assistant to carry out the duties for which he is recruited. Where an accredited assistant considers that the medical examination exceeds this specific parameter, the medical services and the appointing authority shall forward to him by registered mail the medical justification for each of the examinations accredited assistants are required to undergo. If the accredited assistant does not agree with the justification and makes this known within three weeks from receipt of the mail, the appointing authority shall refer the matter to the*



*Court of Justice of the European Union for a ruling on the suitability and relevance of these examinations to assess the ability of a candidate to carry out the duties for which he is recruited. The fees incurred by the assistant in question for the services of a lawyer or legal firm shall be met by Parliament. The accredited assistant shall be free to use the services of a lawyer or legal firm of his own choosing.'*

Or. fr

**Amendment 198**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 33 e (new)**  
Conditions of Employment  
Article 131 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**33. Article 131(2) shall be replaced by the following:**

**'2. The weekly working hours of an accredited parliamentary assistant shall be set by the Member; for full time accredited parliamentary assistants in normal circumstances amount to 40 hours per week but may not exceed 42 hours per week.**

***The second and fourth paragraphs of Article 55 of the Staff Regulations shall apply by analogy.'***

Or. en

**Amendment 199**  
**Antonio Masip Hidalgo**

**Proposal for a regulation**  
**Article 2 – point 33 e (new)**  
Conditions of Employment  
Article 131 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**33e. Article 131(2) shall be replaced by the following:**

**'2. The weekly working hours of an accredited parliamentary assistant shall be set by the Member, but for full time accredited parliamentary assistants these shall, in normal circumstances, range from 40 to 42 hours per week.**

**The second and fourth paragraphs of Article 55 of the Staff Regulations shall apply by analogy.'**

Or. en

**Amendment 200**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 33 f (new)**  
Conditions of Employment  
Article 131 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**33f. Article 131(4) shall be replaced by the following:**

**'4. However, overtime worked by accredited parliamentary assistants shall carry the right to compensation.'**

Or. en

**Amendment 201**  
**Younous Omarjee, Thomas Händel**

**Proposal for a regulation**  
**Article 2 – point 33 g (new)**  
Conditions of Employment  
Article 132

*Text proposed by the Commission*

*Amendment*

**33g. In Article 132, after the words: 'The arrangements for reimbursement of mission expenses shall be laid down in the implementing measures referred to in Article 125(1)', the following shall be added: 'Where it emerges from the official list of Members that the Member's constituency or domicile is situated within the European Community or in a Member State but outside of Europe, Parliament shall, within the limit of two return journeys per year per accredited assistant working exclusively for that Member, reimburse the airfare, in accordance with the implementation provisions regarding missions, between his place of work and the Member's constituency or domicile.'**

Or. fr

**Amendment 202**  
**Antonio Masip Hidalgo**

**Proposal for a regulation**  
**Article 2 – point 33 h (new)**  
Conditions of Employment  
Article 132 a (new)

*Text proposed by the Commission*

*Amendment*

**33h. The following Article 132a shall be inserted:**

**'Article 132a**

**In accordance with the implementing measures referred to in Article 125(1), the Articles 5, 6 and 9 of Annex VII to the Staff Regulations (reimbursement of**

*expenses incurred by him on taking up appointment, transfer or leaving the service) shall apply by analogy to accredited parliamentary assistants who are appointed with a contract of a minimum period of 2,5 years, whereas Articles 7(1), 7(2), first subparagraph, and 8(1), 8(2) shall apply by analogy to accredited parliamentary assistants who are appointed with a contract of a minimum period of 1 year.';*

Or. en

**Amendment 203**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 33 h (new)**  
Conditions of Employment  
Article 132 a (new)

*Text proposed by the Commission*

*Amendment*

**33h. The following Article 132a shall be inserted:**

**'Article 132**

***In accordance with the implementing measures referred to in Article 125(1), the Articles 5, 6 and 9 of Annex VII to the Staff Regulations (reimbursement of expenses incurred by him on taking up appointment, transfer or leaving the service) shall apply by analogy to accredited parliamentary assistants who are appointed with a contract of a minimum period of 2,5 years, whereas Articles 7(1), 7(2), first subparagraph, and 8(1), 8(2) shall apply by analogy to accredited parliamentary assistants who are appointed with a contract of a minimum period of 1 year.';***

Or. en

**Amendment 204**  
**Antonio Masip Hidalgo**

**Proposal for a regulation**  
**Article 2 – point 33 i (new)**  
Conditions of Employment  
Article 139 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**33i. The following paragraph shall be inserted in Article 139:**

**'3a. Where the contract ceases pursuant to paragraphs 1(d), 1(e) and 3, the procedure to be followed shall guarantee observance of the rights of defence of accredited parliamentary assistants and the duty to protect employees. In accordance with the implementing measures referred to in Article 125(1), this procedure shall cover all the different stages from the probationary period before recruitment to the steps to be followed for a duly justified dismissal.'**

Or. en

**Amendment 205**  
**Thomas Händel, Younous Omarjee**

**Proposal for a regulation**  
**Article 2 – point 33 i (new)**  
Conditions of Employment  
Article 139 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**33i. The following paragraph shall be inserted in Article 139:**

**'3a. Where the contract ceases pursuant to paragraphs 1(d), 1(e) and 3, the procedure to be followed shall guarantee observance of the rights of defence of the**

*accredited parliamentary assistants and the duty to protect employees. In accordance with the implementing measures referred to in Article 125(1), this procedure shall cover all the different stages from the probationary period before recruitment to the steps to be followed for a duly justified dismissal.’;*

Or. en

**Amendment 206**  
**Younous Omarjee, Thomas Händel**

**Proposal for a regulation**  
**Article 2 – point 33 j (new)**  
Conditions of Employment  
Article 139 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***33j. In Article 139(4), after the words: ‘shall not be regarded as constituting ‘years of service’ for the purposes of Article 29(3) and (4) of the Staff Regulations’, the following shall be added:***

***‘However, all accredited assistants who have worked full time for at least four years, three-quarter time for at least six years or half time for at least eight years shall, from completion of these periods of service and up to four years from the end of their last contract, be entitled to assume posts as contract or temporary staff published by the European institutions and normally filled by competition. Assistants who have worked for at least four years as accredited assistants in Function Group I shall be entitled to assume posts as contractual or temporary staff in Function Groups II and III. Assistants who have worked for at least four years as accredited assistants in Function Group II shall be entitled to assume posts as contractual or temporary***

*staff in Function Groups III and IV.'*

Or. fr