



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Budgetary Control

2011/0455(COD)

9.2.2012

DRAFT OPINION

of the Committee on Budgetary Control

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union (COM(2011)0890 – C7-0507/2011 – 2011/0455(COD))

Rapporteur: Ingeborg Gräßle

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AMENDMENTS

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

Amendment 1

Proposal for a regulation

Article 1 – point 8 a (new)

Staff Regulations of Officials of the European Union

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 the intelligence services of totalitarian regimes;’

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 the secret services of totalitarian regimes. Employing former members of state security services would jeopardise the success of the European unification process.

Amendment 2

Proposal for a regulation

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

Staff Regulations of Officials of the European Union

Article 43 – paragraph 1

Text proposed by the Commission

Amendment

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

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, performance and conduct must be assessed at least every two years. The amendment seeks to introduce a transparent and readily understandable assessment system.

Amendment 3

Proposal for a regulation

Article 1 – point 14 a (new)

Staff Regulations of Officials of the European Union

Article 44 – paragraph 1

Text proposed by the Commission

Amendment

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

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

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 4

Proposal for a regulation

Article 1 – point 21 – letter d

Staff Regulations of Officials of the European Union

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. 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

The 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. It is not clear how this new article can be combined with the Article 56 of the Staff Regulations, which has not been amended accordingly.

Amendment 5

Proposal for a regulation

Article 1 – point 27

Staff Regulations of Officials of the European Union

Article 61

Text proposed by the Commission

Amendment

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

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

of the institutions’;

(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 6

Proposal for a regulation

Article 1 – point 39 a (new)

Staff Regulations of Officials of the European Union

Article 86 – paragraph 2

Text proposed by the Commission

Amendment

39a. Article 86(2) shall be amended as follows:

‘2. Where the Appointing Authority or OLAF becomes aware of evidence of failure within the meaning of paragraph 1, they may launch administrative investigations to verify whether such failure has occurred. *If the administrative investigation has not been completed five years after the 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 12 months, the Appointing Authority shall have the power to take disciplinary action.'

Or. de

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 7

Proposal for a regulation

Article 1 – point 47

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

Text proposed by the Commission

Amendment

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

- **250 to 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.*

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

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

Or. de

Justification

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

Amendment 8

Proposal for a regulation

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

Staff Regulations of Officials of the European Union

Annex VII – Article 12 – paragraph 2

Text proposed by the Commission

Amendment

(da) Article 12(2) shall be amended as follows:

‘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 standard practice in the Member States.

Amendment 9

Proposal for a regulation

Article 1 – point 51 – letter -a (new)

Staff Regulations of Officials of the European Union

Annex IX – Article 1 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Or. de

Justification

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

Amendment 10

Proposal for a regulation

Article 1 – point 52 – letter -a (new)

Staff Regulations of Officials of the European Union

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

Text proposed by the Commission

Amendment

(-a) The following point 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 11

Proposal for a regulation

Article 1 – point 52 – letter -a a (new)

Staff Regulations of Officials of the European Union

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. The period of annual leave shall 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 days, 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.