



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Budgets

2010/0171(COD)

30.9.2010

OPINION

of the Committee on Budgets

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 of the European Communities and the Conditions of Employment of Other Servants of those Communities (COM(2010)0309 – C7-0146/2010 – 2010/0171(COD))

Rapporteur: Nadezhda Neynsky

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SHORT JUSTIFICATION

Article 27(3) of the Treaty on European Union stipulates that the European External Action Service (EEAS) is to work in cooperation with the diplomatic services of the Member States and is to comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.

As is the case for all the institutions and bodies of the Union, the EEAS staffing and personnel policy will operate within the framework established by the Staff Regulations of Officials of the European Communities (the Staff regulation) and the Conditions of Employment of Other Servants (CEOS) of those Communities. In order to allow the EEAS to operate as set out in the Treaty on European Union, certain amendments to the Staff Regulations and the Conditions of Employment are required.

BUDG draft opinion was prepared on the basis of the Rapporteur's working document discussed during the BUDG meeting of 13 July 2010 (PE 445.751).

Commission's proposal mainly aims at both:

- bringing the modifications required for the establishment and functioning of the EEAS,
- and changing the working conditions in the Union delegations through more technical (but expensive) amendments concerning Annex X to the Staff Regulations (applicable to staff serving in third countries), contract staff and local staff.

For transparency as well as budgetary reasons¹, your Rapporteur has taken the view that the changes should be limited to what is required for the setting up and functioning of the EEAS, with the two exceptions below, which appear crucial to the Rapporteur and should in her view be supported:

- application of Annex 10 benefits when taking parental / family leave, in order to support the general objective of better conciliating private and professional life and in particular lift the obstacle for women who might otherwise be interested in taking up a post in a Union delegation
- and the formal recognition in the CEOS of the Insurance and Provident schemes for local agents in countries where social protection is not existing or appropriate.

It should also be stressed that, to the best of your Rapporteur's knowledge, the amendments proposed are compatible with or even take account of the political agreement reached on 21 June 2010 in Madrid.

In its working document, your Rapporteur spotted some weaknesses in the budgetary impact of the Regulation as presented in the Commission's legislative financial statement and supporting documents (on the above mentioned issued of parental leave notably), which could cast doubt on the claimed budget neutrality of the proposal. In this respect, the proposed rejection of both the new mobility procedure and the application of Annex 10 for contract

¹ And in line with the explanatory memorandum to Commission's proposal which states: '(...) Apart from adaptations to the new terminology resulting from the entry into force of the Treaty of Lisbon, the proposed amendments are limited to what is necessary for the establishment and functioning of the EEAS'

staff is likely to lead to savings while protecting the independence of the European Civil Service.

A specific report is also requested from the High Representative on the implementation of the regulation, once the EEAS will reach cruising speed, notably on the gender and geographical balance within the EEAS and on the actual budgetary consequences of extending the benefit of Annex 10 to staff on parental leave (increase in parental/family leave taken, replacement of staff, impact on the good functioning of delegations).

Other amendments concern:

- the protection of the budgetary prerogatives of the Parliament,
- the rejection of the possibility of secondment for those staff already seconded from national diplomatic services,
- clarification of budgetary responsibilities,
- the rejection of the change to the 'laissez-passer' policy within delegations,
- and the gender balance in the EEAS.

AMENDMENTS

The Committee on Budgets calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Draft legislative resolution Paragraph 2 a (new)

Draft legislative resolution

Amendment

2a. Stresses that the proposed changes to the Staff Regulations and the Conditions of Employment of Other Servants should be budget-neutral and therefore compatible with the ceiling of Heading 5 of the Multiannual Financial Framework; recalls however that any unforeseen appropriations necessary for implementing the regulation should be decided in the annual budgetary procedure;

Amendment 2

Proposal for a regulation – amending act Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) All members of the staff of the EEAS covered by the Staff Regulations and the Conditions of Employment of Other Servants should have the same rights and obligations within the EEAS, regardless of whether they are officials of the European Union or temporary agents coming from the diplomatic services of the Member States, and should be treated equally, in particular as concerns eligibility to assume all positions under equivalent conditions. No distinction should be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to be performed in all areas of activities and policies implemented by the EEAS.

Justification

Equality of rights and obligations is crucial in ensuring a coherent and independent Service. This should be the case within the EEAS, therefore with the exception of the possibility of secondment for staff already seconded from national diplomatic services.

Amendment 3

Proposal for a regulation Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The Head of Delegation should have authority over all staff in the delegation, whatever their status, and for all its activities. He should be accountable to the High Representative for the overall management of the work of the delegation and for ensuring the coordination of all actions of the Union.

Where Heads of Delegations act as authorising officers by sub-delegation in

accordance with the second paragraph of Article 51, they should be subject to the Commission as the institution responsible for the definition, exercise, control and appraisal of their duties and responsibilities as authorising officers by sub-delegation.

Officials working in a Union delegation should take instructions from the Head of Delegation on the implementation of the Union budget.

Amendment 4

Proposal for a regulation – amending act Recital 4

Text proposed by the Commission

(4) It is appropriate to clarify that staff of the EEAS who carry out tasks for the Commission as part of their duties should follow instructions given by the Commission. Likewise, Commission officials working in Union delegations should follow instructions from the Head of Delegation, in particular on organisational and administrative matters ***and on the implementation of the Union budget.***

Amendment

(4) It is appropriate to clarify that staff of the EEAS who carry out tasks for the Commission as part of their duties should follow instructions given by the Commission ***under the overall responsibility of the Head of Delegation.*** Likewise, Commission officials working in Union delegations should follow instructions from the Head of Delegation, in particular on organisational and administrative matters ***and on the implementation of the Union budget.***

Justification

The implementation of the EU operational budget should clearly remain under the remit and responsibility of the Commission and its staff, in accordance with Article 317 of the TFEU. It does not seem appropriate to specify that the head of delegation (EEAS) should give instructions in that respect. However HR/VP and Heads of Delegations should be informed of instructions.

Amendment 5

Proposal for a regulation – amending act Recital 4 a (new)

(4a) The notion of a European administration requires, as a fundamental principle, adequate geographical representativeness as far as the staff are concerned. Recruitment for posts in the EEAS, whilst being based on merit, should ensure an adequate presence at all levels of nationals from all the Member States. An adequate gender balance at all levels should also be ensured.

Justification

As specified in the Point 7b of the European Parliament's legislative resolution, it should be clear that the notion of a European administration entails as a prerequisite the need for the European External Action Service to be truly representative of all Member States of the European Union and the European Union citizens and, as such, be characterised by an adequate geographical representativity and gender balance.

Amendment 6

**Proposal for a regulation
Recital 4 b (new)**

(4b) Paragraph 7 of the European Parliament's legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service states that additional specific measures envisaged in Article 6(6) of that Council Decision for the strengthening of the geographical balance and gender balance should include, as regards geographical balance, measures analogous to those provided for in Council Regulation (EC, Euratom) No 401/2004.

Justification

As specified in Paragraph 7 of the European Parliament legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the EEAS,, it should be clear that the notion of a European administration entails as a prerequisite the need for the European External Action Service to be truly representative of all Member States of the European Union and the European Union citizens and, as such, be characterised by an adequate geographical representativity and gender balance.

Amendment 7

Proposal for a regulation

Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) In consideration of the current under-representation of certain Member States' nationals in the Directorate-General for External Relations of the European Commission, temporary measures should be introduced and remain in force until 31 December 2020.

Justification

The European External Action Service must be truly representative of all Member States of the European Union and the European Union citizens and, as such, be characterised by an adequate geographical representativity and gender balance. The current underrepresentation of certain Member States in the Directorate General External Relations of the European Commission justifies the provision of long term special measures to ensure that such unbalance will not characterise the EEAS.

Amendment 8

Proposal for a regulation – amending act

Recital 7

Text proposed by the Commission

Amendment

(7) In order to take account of specific situations in a flexible manner (for example an urgent need to fill a post or future transfers of support tasks from the Council or the Commission to the EEAS), a transfer of officials in the interests of the service, that is without prior publication of

(7) In order to take account of specific situations in a flexible manner (for example an urgent need to fill a post or future transfers of support tasks from the Council or the Commission to the EEAS), a transfer of officials in the interests of the service, that is without prior publication of

the vacant post, from the Council or the Commission to the EEAS should also be made possible in exceptional cases. Similarly, it should be possible to transfer officials in the interest of the service from the EEAS to the Council or the Commission.

the vacant post, from the Council or the Commission to the EEAS should also be made possible in **duly justified** exceptional cases. Similarly, it should be possible to transfer officials in the interest of the service from the EEAS to the Council or the Commission.

Justification

'Exceptional circumstances' for transferring an EEAS agent in the interest of the service should be better defined, in order to avoid arbitrary nominations and ensure transparency.

Amendment 9

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) It is necessary to ensure that staff from national diplomatic services, candidates from the Council and the Commission **as well as** internal candidates can apply for posts in the EEAS on an equal footing. From **1 July 2013** at the latest this should also apply to officials from other institutions. However, in order to guarantee proper representation of staff from national diplomatic services in the EEAS, the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission should be able to decide that for posts in function group AD, until **30 June 2013**, priority may be given to candidates from national diplomatic services of the Member States in case of substantially equal qualifications.

Amendment

(8) It is necessary to ensure that staff from national diplomatic services, candidates from the Council and the Commission **and** internal candidates can apply for posts in the EEAS on an equal footing. From **1 January 2012** at the latest this should also apply to officials from other institutions. However, in order to guarantee proper representation of staff from national diplomatic services in the EEAS, the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission should be able to decide that for posts in function group AD, until **31 December 2011 or until staff from national diplomatic services account for one-third of total EEAS staff at AD level, whichever occurs earlier**, priority may be given to candidates from national diplomatic services of the Member States in case of substantially equal qualifications.

Justification

One year seems sufficient in order to ensure that the national diplomatic services are properly represented within the EEAS. Furthermore, this derogation should cease even earlier if its aim has been achieved before 31 December 2011. This amendment aims at faster opening the EEAS posts also to the officials from the European Parliament and other

institutions.

Amendment 10

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Selected candidates from national diplomatic services who are seconded by their Member States should be employed as temporary agents and thus be put on equal footing with officials. The implementing provisions to be adopted by the EEAS should guarantee career ***perspectives*** for temporary agents ***that are equivalent to those of*** officials.

Amendment

(9) Selected candidates from national diplomatic services who are seconded by their Member States should be ***recruited according to an objective and transparent procedure and*** employed as temporary agents and thus be put on equal footing with officials. The implementing provisions to be adopted by the EEAS should guarantee ***equivalent*** career ***prospects*** for temporary agents ***and officials within the EEAS.***

Justification

The first sentence is self-explanatory. The second sentence aims at ensuring equivalent career perspectives between temporary agents and officials, whereas the initial text could be interpreted as concentrating mainly on the career perspectives for temporary agents.

Amendment 11

Proposal for a regulation – amending act

Recital 10

Text proposed by the Commission

(10) In order to avoid unnecessary restrictions on the employment in the EEAS of staff from national diplomatic services, specific rules on the length of contracts should be adopted. For this particular category of temporary staff, the rules on ***secondment***, leave on personal grounds and maximum retirement age should be aligned with those applicable to officials.

Amendment

(10) In order to avoid unnecessary restrictions on the employment in the EEAS of staff from national diplomatic services, specific rules on the length of contracts should be adopted. For this particular category of temporary staff, the rules on leave on personal grounds and maximum retirement age should be aligned with those applicable to officials.

Justification

Agents from national diplomatic services, being already seconded to the EEAS, should not be granted the right to benefit from the provisions related to secondment that apply to officials. Such 'second' secondment would allow them to get jobs in other EU institutions, thereby resulting in a possible loss of competences for the new service as well as in staff entering the EU institutions without being submitted to traditional selection procedures.

Amendment 12

Proposal for a regulation – amending act Recital 12

Text proposed by the Commission

(12) In order to ease the administrative burden of the EEAS, the Disciplinary Board established in the Commission should also serve as the Disciplinary Board for the EEAS, ***unless the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission decides to establish a Disciplinary Board for the EEAS.***

Amendment

(12) In order to ease the administrative burden of the EEAS, the Disciplinary Board established in the Commission should also serve as the Disciplinary Board for the EEAS.

Justification

In order to avoid unnecessary organisational duplications and ensure coherence of actions in similar fields of activity, the Disciplinary Board of the Commission should, as is proposed for its Staff Committee, serve also as that of the EEAS. Therefore, no discretionary margin should be left to the High representative in that respect. A review clause is however proposed to check whether such dedicated bodies would be relevant for the EEAS.

Amendment 13

Proposal for a regulation – amending act Recital 15

Text proposed by the Commission

(15) In the light of the experience gathered since 2004, there seems no justification for maintaining the existing limitation with regard to the application of Annex X of the Staff Regulations to contract staff. This means in particular that contract staff should take part fully in the mobility procedure under Articles 2

Amendment

deleted

and 3 of Annex X. To this end, it is necessary to provide that contract staff engaged in delegations, to whom Article 3a of the Conditions of Employment applies, may be temporarily assigned to the seat of the institution.

Justification

Such provisions are not required for the setting-up and functioning of the EEAS, while this should define the scope of Commission's proposal (see Commission's explanatory memorandum). Moreover, contract staff have been specifically engaged to work in delegations.

Amendment 14

**Proposal for a regulation – amending act
Recital 17**

Text proposed by the Commission

Amendment

(17) To facilitate matters for staff travelling outside the European Union in the performance of their duties, it should be possible to issue laissez-passer when the interests of the service so require, and special advisers should be covered by this possibility ***deleted***

Justification

Such provision is not required for the setting-up and functioning of the EEAS, while this should define the scope of Commission's proposal (see Commission's explanatory memorandum). It is hard to see why the laissez-passer should be generalised while it currently only foreseen for delegations' top officials.

Amendment 15

**Proposal for a regulation – amending act
Article 1 – point 7**

**Staff Regulations of Officials of the European Communities
Article 23 - paragraph 3**

Text proposed by the Commission

Amendment

7. In Article 23, the third paragraph shall be replaced by the following: ***deleted***
'The laissez-passer provided for in the Protocol on Privileges and Immunities

shall be issued to heads of unit, to officials in grade AD12 to AD16, to officials serving outside the territory of the European Union and to other officials for whom this is required in the interest of the service.'

Justification

Such provision is not required for the setting-up and functioning of the EEAS, while this should define the scope of Commission's proposal (see Commission's explanatory memorandum). It is hard to see why the laissez-passer should be generalised while it currently only foreseen for delegations' top officials.

Amendment 16

Proposal for a regulation

Article 1 – point 9

Staff Regulations of Officials of the European Communities
Title VIIIa – Article 96 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Head of Delegation shall have authority over all staff in the delegation, whatever their status, and for all its activities. He shall be accountable to the High Representative for the overall management of the work of the delegation and for ensuring the coordination of all actions of the Union.

Where Heads of Delegations act as authorising officers by sub-delegation in accordance with the second paragraph of Article 51, they shall be subject to the Commission as the institution responsible for the definition, exercise, control and appraisal of their duties and responsibilities as authorising officers by sub-delegation.

Officials working in a Union delegation shall take instructions from the Head of Delegation on the implementation of the Union budget.

Amendment 17

Proposal for a regulation – amending act

Article 1 – point 9

Staff Regulations of Officials of the European Communities

Title VIIIa – Article 96 – paragraphs 1 and 2

Text proposed by the Commission

Notwithstanding Article 11, a Commission official working in a Union delegation shall take instructions from the Head of Delegation, in particular on organisational and administrative matters ***and, in accordance with legal acts adopted under Article 322 of the Treaty on the Functioning of the European Union, on the implementation of the Union budget.***

An EEAS official who has to carry out tasks for the Commission as part of his duties shall take instructions from the Commission with regard to those tasks.

Amendment

Notwithstanding Article 11, a Commission official working in a Union delegation shall take instructions from the Head of Delegation, in particular on organisational and administrative matters ***and, in accordance with legal acts adopted under Article 322 of the Treaty on the Functioning of the European Union, on the implementation of the Union budget.***

An EEAS official who has to carry out tasks for the Commission as part of his duties shall take instructions from the Commission with regard to those tasks ***under the overall responsibility of the Head of Delegation.***

Justification

The implementation of the EU operational budget should clearly remain under the remit and responsibility of the Commission and its staff, in accordance with Article 317 of the TFEU. It does not seem appropriate to specify that the head of delegation (EEAS) should give instructions in that respect. However HR/VP and Heads of Delegations should be informed of instructions.

Amendment 18

Proposal for a regulation – amending act

Article 1 – point 9

Staff Regulations of Officials of the European Communities

Title VIIIa – Article 97 – paragraph 1

Text proposed by the Commission

Under the conditions set out in Article 7(1) and notwithstanding Articles 4 and 29, the Appointing Authorities of the institutions concerned may in exceptional cases, acting by common agreement and solely in the interests of the service, after having heard the official concerned, transfer him from

Amendment

Under the conditions set out in Article 7(1) and notwithstanding Articles 4 and 29, the Appointing Authorities of the institutions concerned may, in ***duly justified*** exceptional cases, acting by common agreement and solely in the interests of the service, after having heard the official

the Council or the Commission to the EEAS without notifying the staff of the vacant post. An EEAS official may be transferred to the Council or the Commission under the same conditions.

concerned, transfer him ***or her*** from the Council or the Commission to the EEAS without notifying the staff of the vacant post. An EEAS official may be transferred to the Council or the Commission under the same conditions.

Justification

'Exceptional circumstances' for transferring an EEAS agent in the interest of the service should be better defined, in order to avoid arbitrary nominations and ensure transparency.

Amendment 19

Proposal for a regulation

Article 1 – point 9

Staff Regulations of Officials of the European Communities
Title VIIIa – Article 98 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the purposes of Article 29(1)(a) and without prejudice to Article 97, when filling a vacant post in the EEAS, the Appointing Authority shall consider the applications of officials of the Council, the Commission and the EEAS, of temporary staff to whom Article 2(e) of the Conditions of Employment of Other Servants applies and of staff from national diplomatic services of the Member States without giving priority to any of these categories.

Amendment

For the purposes of Article 29(1)(a) and without prejudice to Article 97, when filling a vacant post in the EEAS, the Appointing Authority shall consider the applications of officials of the Council, the Commission and the EEAS, of temporary staff to whom Article 2(e) of the Conditions of Employment of Other Servants applies and of staff from national diplomatic services of the Member States without giving priority to any of these categories. ***When staff are appointed in the EEAS, due consideration shall be paid to the goal of ensuring adequate geographical representativeness as well as gender balance at all hierarchical and organisational levels and for all staff components.***

Amendment 20

Proposal for a regulation

Article 1 – point 9

Staff Regulations of Officials of the European Communities
Title VIIIa – Article 98 – paragraph 1 – subparagraph 2 a (new)

Notwithstanding the provisions of the second and third paragraphs of Article 4, Article 7(1), the second paragraph of Article 27 and points (a), (b) and (c) of Article 29(1) of these Staff Regulations, until 31 December 2020 vacant posts shall be filled, in line with indicative recruitment targets defined in accordance with the Kinnock Reference Value[1], by the appointment of nationals of under-represented Member States. Appointments shall be made for all grades of the AD function group, following internal and external competitions on the basis of both qualifications and tests organised as specified in Annex III to these Staff Regulations.

[1] Communication de M. KINNOCK C(2003)436/4

KRV (Kinnock Reference Value) - adequate indicative recruitment targets per Member State representing the average of the relative value of the three criteria (expressed as a percentage): 1. number of inhabitants, 2. number of EP seats, 3. weight of votes in the Council

Justification

As specified in the Point 7b of the European Parliament's legislative resolution there should be a system analogous to that introduced by Council Regulation (EC, Euratom) No 401/2004 to redress geographical imbalance.

Amendment 21

Proposal for a regulation – amending act

Article 1 – point 9

Staff Regulations of Officials of the European Communities

Title VIIIa – Article 99 – paragraph 1

Text proposed by the Commission

Amendment

1. Unless the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission decides to establish a Disciplinary Board for the EEAS, the Disciplinary Board of the Commission shall also serve as the Disciplinary Board for the EEAS.

1. The Disciplinary Board of the Commission shall also serve as the Disciplinary Board for the EEAS.

Justification

In order to avoid unnecessary organisational duplications and ensure coherence of actions in similar fields of activity, the Disciplinary Board of the Commission should, as is proposed for its Staff Committee, serve also as that of the EEAS. Therefore, no discretionary margin should be left to the High representative in that respect. A review clause is however proposed to check whether such dedicated bodies would be relevant for the EEAS.

Amendment 22

Proposal for a regulation – amending act

Article 2 – point 6

Conditions of Employment of Other Servants of the European Communities

Article 3 a – paragraph 1 – subparagraph 1 a

Text proposed by the Commission

Amendment

6. In the first paragraph of Article 3a, the following subparagraph shall be added:

deleted

'Staff engaged for the performance of full-time or part-time duties in Union delegations may be temporarily assigned to the seat of the institution under the mobility procedure set out in Articles 2 and 3 of Annex X to the Staff Regulations.'

Justification

Such provisions are not required for the setting-up and functioning of the EEAS, while this

should define the scope of Commission's proposal (see Commission's explanatory memorandum). Moreover, contract staff have been specifically engaged to work in delegations.

Amendment 23

Proposal for a regulation – amending act

Article 2 – point 7

Conditions of Employment of Other Servants of the European Communities

Article 3 b – paragraph 2

Text proposed by the Commission

Amendment

7. In Article 3b, the second paragraph shall be replaced by the following: **deleted**

'Except in the cases referred to in the second subparagraph of Article 3a(1), the use of contract staff for auxiliary tasks is excluded where Article 3a applies.'

Justification

Such provisions are not required for the setting-up and functioning of the EEAS, while this should define the scope of Commission's proposal (see Commission's explanatory memorandum). Moreover, contract staff have been specifically engaged to work in delegations.

Amendment 24

Proposal for a regulation – amending act

Article 2 – point 10

Conditions of Employment of Other Servants of the European Communities

Chapter 10 – Article 50 b – paragraph 2

Text proposed by the Commission

Amendment

2. They may be engaged for a maximum period of four years. Contracts may be renewed more than once for a maximum period of four years **for each renewal**. A renewal shall be granted on condition that the secondment from the national diplomatic service is extended for the period of renewal.

2. They may be engaged for a maximum period of four years. Contracts may be renewed more than once for a maximum period of four years. ***In total, engagement should not exceed eight years. However, in exceptional circumstances and in the interest of the service, at the end of the eighth year, the contract may be extended for a maximum period of two years.*** A renewal shall be granted on condition that the secondment from the national

diplomatic service is extended for the period of renewal.

Justification

This amendment aims at aligning Commission's proposal with the agreement reached in Madrid.

Amendment 25

Proposal for a regulation – amending act

Article 2 – point 10

Conditions of Employment of Other Servants of the European Communities
Chapter 10 – Article 50 c – paragraph 1

Text proposed by the Commission

Amendment

1. Articles 37, 38 and 39 of the Staff Regulations shall apply by analogy. Secondment shall not extend beyond the term of the contract. ***deleted***

Justification

Agents from national diplomatic services, being already seconded to the EEAS, should not be granted the right to benefit from the provisions related to secondment that apply to officials. Such 'second' secondment would allow them to get jobs in other EU institutions, thereby resulting in a possible loss of competences for the new service as well as in staff entering the EU institutions without being submitted to traditional selection procedures.

Amendment 26

Proposal for a regulation – amending act

Article 2 – point 12

Conditions of Employment of Other Servants of the European Communities
Article 118

Text proposed by the Commission

Amendment

12. Article 118 shall be replaced by the following: ***deleted***

'Article 118

Annex X to the Staff Regulations shall apply by analogy to contract staff serving in third countries. However, Article 21 of that Annex shall only apply if the contract

is for not less than one year.'

Justification

Such provisions are not required for the setting-up and functioning of the EEAS, while this should define the scope of Commission's proposal (see Commission's explanatory memorandum). This would imply additional expenditure and reduce the appropriations available under Heading 5 of the Multiannual financial framework at a time when the implementation of the Lisbon Treaty requires additional financial means.

Amendment 27

**Proposal for a regulation – amending act
Article 3 a (new)**

Text proposed by the Commission

Amendment

Article 3a

Within two years after the entry into force of this Regulation, the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission shall submit a report to the European Parliament, the Council and the Commission on its implementation, with particular emphasis on gender and geographical balance of staff within the EEAS, as well as on the implementation and financial consequences of those provisions with a budgetary impact, notably the application of Annex 10 for staff on parental leave. That report should also assess the expediency of setting up a dedicated staff committee and a disciplinary board within the EEAS.

Justification

A review clause would enhance transparency in the EEAS's staff policy and would be an opportunity to take stock of the gender and geographical balance within the service and of the possible need for the EEAS to have its own staff committee and disciplinary board.

PROCEDURE

Title	Amendment of the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of those Communities						
References	COM(2010)0309 – C7-0146/2010 – 2010/0171(COD)						
Committee responsible	JURI						
Opinion by Date announced in plenary	BUDG 23.6.2010						
Rapporteur Date appointed	Nadezhda Neynsky 21.6.2010						
Date adopted	29.9.2010						
Result of final vote	<table> <tr> <td>+: </td><td>36</td></tr> <tr> <td>–: </td><td>2</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	36	–:	2	0:	0
+:	36						
–:	2						
0:	0						
Members present for the final vote	Damien Abad, Alexander Alvaro, Marta Andreasen, Francesca Balzani, Reimer Böge, Lajos Bokros, Giovanni Collino, Andrea Cozzolino, Jean-Luc Dehaene, James Elles, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Jens Geier, Ivars Godmanis, Ingeborg Gräßle, Estelle Grelier, Carl Haglund, Lucas Hartong, Jutta Haug, Jiří Havel, Anne E. Jensen, Ivailo Kalfin, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, Barbara Matera, Nadezhda Neynsky, Dominique Riquet, László Surján, Helga Trüpel, Derek Vaughan, Angelika Werthmann						
Substitute(s) present for the final vote	Jan Olbrycht, Georgios Stavrakakis						
Substitute(s) under Rule 187(2) present for the final vote	Sabine Verheyen						