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TEXTE EN

**Communication à la Commission relative aux règles régissant la
composition des cabinets des membres de la Commission et du service du
porte-parole**

Communication de M. le PRESIDENT

Cette question est prévue à l'ordre du jour de la 2104^{ème} réunion de la Commission le mercredi 5 novembre 2014.





EUROPEAN COMMISSION

Brussels, 1 November 2014

COMMUNICATION TO THE COMMISSION

**Rules governing the composition of the Cabinets of the Members of the Commission and
of the Spokesperson's Service**

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INTRODUCTION

The President of the Commission is responsible for the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body. The extent to which the Commission is able to carry out its tasks according to these principles depends, among other things, on the expertise provided by the Directorates-General and services, on the advice provided to Commissioners by the members of their Cabinets (private offices) and on the communication of the Commission's activities to the outside world.

In this context, the President of the Commission has laid down rules on the composition of the Cabinets and of the Spokesperson's Service. These rules¹ take into account the provisions of the Staff Regulations and reflect the specific roles allocated by the President in the Mission Letters to Commissioners-designate, including Vice-Presidents.

A. COMPOSITION OF CABINETS

1. GENERAL RULES

Cabinets help Commissioners in carrying out their collegial and portfolio roles. For this reason, their composition should reflect the diversity of the European Union as far as possible, drawing on a wide range of professional expertise and ensuring geographic and gender balance.

2. PROFESSIONAL ETHICS

As for all Commission staff, Cabinet members are bound to respect the obligations set out in the Treaties, the Staff Regulations and the internal rules of the Commission. In particular, with regard to professional ethics, Article 339 of the Treaty on the Functioning of the European Union (TFEU), which refers to the disclosure of information, and Articles 11 to 26 of the Staff Regulations on the rights and obligations of officials, are relevant.

In performing their duties, Cabinet staff must have the interests of the institution and of the Union in mind at all times.

Conduct and decision-making have to be guided by independence, impartiality, objectivity and loyalty. Cabinet staff must declare any conflict of interest, gifts and external activities, as well as activities of the spouse or partner. They must also make known any intention to publish material or participate in a conference linked to questions related to the European Union. Cabinet staff shall, also after leaving the service, continue to be bound by the duty to behave with integrity and discretion concerning the acceptance of certain appointments or benefits. Staff intending to engage in an occupational activity, whether gainful or not, within

¹ These rules replace the rules governing the composition of the Members' Cabinets and the Spokespersons of 3 February 2010 (SEC(2010)104) as from 1 November 2014.

two years of leaving the service shall inform the institution thereof², which may give rise to a decision by the appointing authority.

Cabinet staff 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. They shall continue to be bound by this obligation after leaving the service³.

In carrying out their duties and tasks, Cabinet staff must conduct themselves so as to enable the Commission to meet its obligations of openness and transparency towards citizens and representative associations (Article 11 of the Treaty on European Union (TEU)), on access to documents (Article 15 TFEU and Regulation EC 1049/2001) and on personal data protection (Article 16 TFEU and Regulation EC 45/2001). In this regard, Cabinet staff have the duty to ensure that a representative range of views is regularly used as a basis for policy and decision-making. They shall promote the use of the Transparency Register covering contacts with individuals and organisations.

3. COMPOSITION OF CABINETS

The composition of the Cabinets should balance the need for officials with appropriate experience of working in the EU institutions and the possibility of benefitting from the knowledge of individuals previously working outside the institutions.

Officials are seconded to the Cabinets in the interests of the service.

Temporary agents may be employed in accordance with the specific rules adopted by the Commission⁴.

The grading in the functions of Head of Cabinet, Deputy Head of Cabinet, Cabinet Expert or Director of Coordination and Administration is defined in the Decision on the engagement and use of temporary agents (Temporary Staff Pursuant to Article 2c of the Conditions of Employment of Other Servants of the European Union, hereinafter: CEOS) and in the present rules, and is applicable to officials if they hold a lower grade and/or salary in their career of origin. The grading in step is determined in accordance with the general grading rules of the Commission⁵.

3.1. AD grades

3.1.1. *Number*

Cabinet of the President: the President has twelve AD grade staff, including the Head of Cabinet, the Deputy Head of Cabinet and up to two Experts of grade AD13.

Cabinet of the HRVP: the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President (hereinafter: HRVP) has eleven AD staff⁶

² See Article 16 of the Staff Regulations and the corresponding implementing rules and guidelines.

³ See Article 17 of the Staff Regulations.

⁴ Commission Decision C(2013)9049 of 16 December 2013 on policies for the engagement and use of temporary agents.

⁵ Commission Decision C(2013)8970 of 16 December 2013 laying down general implementing provisions concerning the criteria applicable to classification in step on appointment or engagement.

⁶ The President of the Commission and the HRVP agreed that about half of these should be Commission officials.

including the Head of Cabinet, the Deputy Head of Cabinet and up to two Experts of grade AD13.

Cabinet of the First Vice-President: the First Vice-President, in charge of Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights, has eight AD staff including the Head of Cabinet, the Deputy Head of Cabinet and one Expert of grade AD 13.

Cabinets of the Vice-Presidents: Vice-Presidents have seven AD staff including the Head of Cabinet, the Deputy Head of Cabinet and one Expert of grade AD13.

Cabinets of the other Commissioners: Commissioners have six AD staff including the Head of Cabinet, the Deputy Head of Cabinet and one Expert of grade AD13.

Within the above numbers of AD grade staff, the President's Cabinet will include a Director of Coordination and Administration, while all other Cabinets will include one Communication Adviser. AD staff are recruited either by secondment in the interests of the service or by engagement pursuant to article 2c CEOS.

3.1.2. Administrative Status

Cabinet of the President: no less than seven officials. The Head of the President's Cabinet is ranked at the level of Director-General. The Deputy Head of the President's Cabinet and the Director of Coordination and Administration are ranked at the level of Director.

Cabinet of the HRVP: no less than six officials. The Head of Cabinet of the HRVP is ranked at the level of Deputy Director-General.

Cabinet of the First Vice-President: no less than four officials. The Head of Cabinet is ranked at the level of Director.

Cabinets of Commissioners: no less than three officials. The Heads of the Commissioners' Cabinets are ranked at the level of Director.

Temporary agents engaged under article 2c of the CEOS receive a contract of indefinite duration. Staff who are already temporary agents under article 2c of the CEOS have the possibility to have their contract extended or to be engaged under a new contract. In all cases, these contracts are terminated at the appropriate time in anticipation of the end of the mandate of the Commissioner concerned.

Type of post: Commission officials in grades AD9 to AD14 (with the exception of officials occupying a post corresponding to the type of post of Director) who are seconded in accordance with the second indent of Article 37(a) of the Staff Regulations within the European Commission shall, during the period of secondment, be assigned to the type of post "Head of Unit or equivalent" in their basic career. Unless they are seconded Heads of Unit or occupy a management function in their secondment career, they shall not be entitled to the benefit provided for in the second paragraph of Article 44 of the Staff Regulations, which refers to advancement to a higher step, and the experience acquired during the period of secondment shall not be taken into account as management experience for eligibility purposes in the context of applications for management positions. However, Deputy

Heads of Cabinet with at least two years' experience in this function shall be considered to have the requisite middle management experience for applications for posts of Head of Unit at level AD13/AD14. At the end of the secondment, when officials in grade AD9 to AD14 are reintegrated into the Commission services, they return in principle to their original type of post⁷.

Nationality: Cabinet staff should reflect the diversity of the European Union. The AD staff shall consist of members of at least three different nationalities. The Head of Cabinet or the Deputy Head of Cabinet shall be of a different nationality from that of the Commissioner.

Gender: Commissioners will endeavour to ensure a gender balance in the composition of their Cabinets.

Security Clearance: For the handling of classified information, a sufficient number of Cabinet staff should have the necessary security clearance. Since the procedure for obtaining such clearance tends to last several months, advice should be sought from the Security Directorate as soon as possible upon taking up office.

Handover: For the sake of efficient continuity, a handover period of limited duration may be arranged, during which outgoing and new staff members work together in the Cabinet.

3.2. Personal assistant

The personal assistant of the Commissioner and the two personal assistants of the President are either AST or AD grade staff and may be temporary agents. AD personal assistants are not counted in the AD limits referred to above.

Handover: For the sake of efficient continuity, a handover period of limited duration may be arranged, during which the outgoing and new staff member work together in the Cabinet.

3.3. Administrative and secretarial support⁸

3.3.1. *Number*⁹

Cabinet of the President: the President has a maximum of nineteen administrative and secretarial support staff (AST and AST/SC) with no more than four assistants employed on AST posts.

Cabinet of the HRVP: the HRVP has a maximum of fifteen administrative and secretarial support staff (AST and AST/SC) with no more than three assistants employed on AST posts.

Cabinet of the First Vice-President: the First Vice-President has a maximum of eleven administrative and secretarial support staff (AST and AST/SC) with no more than three assistants employed on AST posts.

⁷ See Commission Decision of 18 December 2013 (SEC(2013)691).

⁸ For AST/SC posts: AST/SC staff, Administrative Assistants in Transition or Assistants in Transition.

⁹ The personal assistants of the President, of the HRVP and of Commissioners count to this figure whether he/she are recruited as AST or AD.

Cabinet of Commissioners: Commissioners have a maximum of ten administrative and secretarial support staff (AST and AST/SC) with no more than three assistants employed on AST posts.

One member of the administrative and secretarial support staff of each Cabinet must be nominated as that Cabinet's document management officer (DMO) and should ensure that the applicable rules on document management and archiving are respected.

3.3.2. *Administrative Status*

Cabinet of the President: no less than nine officials.

Cabinet of the HRVP: no less than eight officials.

Cabinet of the First Vice-President: no less than seven officials.

Cabinet of Commissioners: no less than six officials.

Handover: For the sake of efficient continuity, a handover period of limited duration may be arranged, during which the outgoing and new staff member work together in the Cabinet.

Administrative and secretarial support staff who are temporary agents receive a contract of indefinite duration under article 2c of the CEOS. Staff who are already temporary agents under article 2c of the CEOS have the possibility to have their contract extended or to be engaged under a new contract. In all cases, these contracts are terminated at the appropriate time in anticipation of the end of the mandate of the Commissioner concerned.

3.4. Drivers

Number: a single driver per Commissioner will be provided (two for the President) with back-up from the drivers' pool.

Administrative Status: The drivers' pool will be made up of contract agents. However, for a limited period, the pool will contain officials from the Commission's drivers' pool (no new temporary contracts will be signed). As a transition measure, AST temporary staff under article 2c of the CEOS already working as Commissioners' drivers may have these contracts maintained.

Drivers are administratively attached to the Office for Infrastructures and Logistics in Brussels (OIB).

3.5. Security

3.5.1. *General*

The Commission's Security Directorate is responsible for the protection of Commissioners, Commission staff, assets and information.

Local Security Officer: One member of the staff of each Cabinet should be nominated to act as the point of contact for the Security Directorate.

3.5.2. *Security staff assigned to protect Commissioners*

Security staff will be assigned to protect Commissioners when duly justified and after approval by the Vice-President for Budget and Human Resources, in agreement with the President.

These posts are filled either by officials or by temporary staff engaged pursuant to Article 2c CEOS. These posts belong to the AST/SC function group. In case a post exceptionally includes responsibilities corresponding to the AST function group, the post may, with the agreement of the Vice-President for Budget and Human Resources, be qualified as belonging to this function group.

Officials are assigned to a post within the Security Directorate.

Temporary staff are engaged applying mutatis mutandis the rules laid down in Article 4, paragraph 1, point 5, (b) and (c) of Commission Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary staff.

3.6. Other Staff

3.6.1. *Interns*

Subject to budgetary and office space limitations, Commissioners may take on up to two interns under the Commission's graduate traineeship scheme (five-month "blue book" traineeship).

Up to two interns may be taken on under the Commission's scheme for National Experts in Professional Training (NEPT). They may not be of the same nationality as the Commissioner.

Irrespective of the nature of the trainee contract, a maximum of three trainees per Cabinet is allowed at any time, depending on office space possibilities. Trainees have to be accommodated within the available office space attributed to each Cabinet.

Trainees or NEPTs may be sent on mission. The related costs will be charged to the mission budget of the Cabinet of the Commissioner for whom they carry out their activities.

Trainees in the Cabinets must have the nationality of a Member State of the European Union.

An exception to these rules on trainees is only possible based on the explicit approval of the Vice-President for Budget and Human Resources, in agreement with the President.

3.6.2. *National experts or any other forms of contract staff or secondment or outside staff*

With the exception of national experts in professional training (see under point 3.6.1) no other staff may be employed in cabinets.

3.6.3 *Pool of replacement secretaries for the Cabinets*

When necessary (to cover sickness, leave or long-term absences), secretaries can be provided from the reserve pool administered by the local Human Resources (HR) unit for the Cabinets within the Directorate-General for Human Resources and Security (DG HR). The secretary pool for the Cabinets consists of either contract agents or temporary staff¹⁰ engaged pursuant to Article 2c CEOS.

3.6.4. *Special Advisers*

Commissioners can call on the services of paid or unpaid special advisers. The list of such special advisers is adopted by the Commission within a strict budget allocation and on the basis of a transparent procedure. These individuals advise the relevant Commissioner(s) in a personal capacity. They must be acknowledged experts in their field and their remit must be clearly defined.

Special advisers do not belong to Commissioners' Cabinets and must not claim this status. They are not Commission staff and cannot speak or take positions on behalf of the Commission.

3.7. Replacement of staff

Absent AST and AST/SC staff will be covered by the pool of replacement secretaries for the Cabinets, based on availability and priority setting. This facility cannot be used on a permanent basis to increase the number of staff in a Cabinet. Arbitration between requests is decided upon by the local HR unit for the cabinets and, when necessary, in agreement with the Commissioner responsible for Administration.

For the replacement of Cabinet staff absent on long-term sick leave, maternity leave or leave on personal grounds, Cabinets may ask the services under their responsibility to provide a member of staff to cover during the period of absence. The local HR unit for the Cabinets, together with the HR unit of the service concerned, will arrange for a member of staff to be "placed at disposal" of the Cabinet. For the time of replacement a "surcharge", if requested, may be granted to the Directorate-General in case this is judged necessary by the Directorate-General for Human Resources and Security. Once the AD, AST or AST/SC staff member who has been replaced returns to work, the member of staff providing cover must return to her or his service of origin.

If these options are not possible, Cabinets may request to recruit an additional temporary agent to cover the period of absence for an AD grade official or, on an exceptional basis, an AST or AST/SC grade official. This will effectively create a "surcharge" in the Cabinet but will not affect the actual headcount. The exceptional possibility to replace AD staff on long-term absence with a temporary agent is limited to one per Cabinet. Such requests should be addressed to the local HR unit for the Cabinets with a copy provided to the Vice-President for Budget and Human Resources. Contracts of temporary staff providing cover will be terminated in anticipation of the return of the AD, AST or AST/SC staff member who has been replaced.

¹⁰ Up to 10 may be engaged and only from staff already having served at least 9 months in the pool.

Seconded officials in Cabinets who are absent for a minimum of six months should be reintegrated to the service of origin. Cabinet officials requesting leave on personal grounds for a period of six months or more must be reintegrated into their service of origin. The relevant Directorate-General will then be responsible for granting leave on personal grounds.

4. APPOINTMENTS OF STAFF FROM THE CABINET OF A COMMISSIONER TO A COMMISSION SERVICE

Appointments of officials from the Cabinet of a Commissioner to a Commission service must comply with the Staff Regulations. Contracts for temporary staff are of indefinite duration and are linked to the Commissioner's term of office. No guarantee may be given concerning recruitment to Commission services, since the normal rules for external recruitment must apply.

5. SECONDMENT AND ENGAGEMENT PROCEDURE

The power of appointing authority and authority empowered to conclude a contract is exercised by the Vice-President for Budget and Human Resources, in agreement with the President of the Commission, with regard to Heads of Cabinet, Deputy Heads of Cabinet and the Director of Coordination and Administration, and by the Director-General for Human Resources and Security in the case of all other members of Cabinet.

All requests for secondment or engagement must be approved by the Appointing Authority before the person concerned takes up office. Requests must be sent to the local HR unit for the Cabinets, which will check for compliance with the rules and prepare the file to be sent through official channels (DG HR) for a decision by the appointing authority (AIPN).

6. WORKING TIME

Given that work in Cabinets implies particular constraints with regard to working time and flexibility, working time shall be managed in agreement with the Head of Cabinet and recorded consequently in line with general rules. The general recuperation scheme will not be used for staff in Cabinets.

B. THE SPOKESPERSON'S SERVICE

1. The President and the Members of the Commission are the public faces of the institution and the best advocates of Commission policies. Their communication activities and the structures that support them are closely linked to their political role as Members of the College. Their success in terms of media perception depends on their ability to communicate convincingly on a large number of issues in all Member States and to be seen as strong team players contributing positively to the achievement of the key objectives and priorities of the College.
2. The President and other Members of the Commission need appropriate and timely support to communicate effectively. The Spokesperson's Service ensures political communication on behalf of the President and the entire Commission. In addition, Commissioners will be assisted by the Communication Adviser in their Cabinet (see above point 3.1.1). Communication Advisers will be in charge of preparing and

coordinating the political communication of the Members of the Commission, including speechwriting activities.

3. The Spokesperson's Service and the supporting services are administratively part of DG Communication (DG COMM) and act under the direct authority of the President. The Spokesperson's Service works together, as described in the guidelines on external communication (SEC(2009)313), with the Commission's Representations, and other corporate services of DG COMM.
4. The European Commission Chief Spokesperson shall co-ordinate the activities of the Communication Advisers in the Cabinets of the Commissioners and ensure the coherence of political messages of the Commission.
5. The European Commission Chief Spokesperson is responsible for the overall management and the direction of his/her services (Head of Service). He/she will be assisted by up to two Deputy Chief Spokespersons and up to two Coordinating Spokespersons. The function of the European Commission Chief Spokesperson is filled at grade AD15 at the level of Deputy Director-General. The function of Deputy Chief Spokesperson is filled at grade AD13, the function of Coordinating Spokesperson at grade AD11.
6. The European Commission Chief Spokesperson, the Deputy Chief Spokespersons and the Coordinating Spokespersons speak on behalf of the Commission. The European Commission Chief Spokesperson attends the College meetings and can be invited to intervene during College discussions.
7. The European Commission Chief Spokesperson, the Deputy Chief Spokespersons and the Coordinating Spokespersons are designated by the President.
8. A Unit of up to 10 Spokespersons in the AD function group, as well as up to 30 Press Officers in the AST function group, are – in addition to the Deputy Chief Spokespersons, the Coordinating Spokespersons and administrative support staff – directly attached to the European Commission Chief Spokesperson. They should be able to communicate effectively on all policies of the Commission. Spokespersons and Press Officers shall be recruited on the basis of merit, geographical and gender balance, as well as their knowledge of languages. They are designated by the European Commission Chief Spokesperson in agreement with the President.
9. In addition to the abovementioned group of 10 Spokespersons, the HRVP shall have two Spokespersons: one lead Spokesperson, whose function is filled at grade AD11, and one Deputy.
10. The Spokesperson's Service also comprises a Unit in charge of multimedia editing, speeches and liaison with the Representations. The function of Head of Unit is filled at grade AD11. The Head of the Unit in charge of multimedia editing, speeches and liaison with the Representations is designated by the European Commission Chief Spokesperson and reports directly to him/her.
11. All positions in the Spokesperson's Service are filled either by secondment in the interests of the service or by engagement pursuant to article 2c CEOS, applying mutatis mutandis the procedures applicable to the Cabinets. The grading of staff in function groups AST and AST/SC is determined by applying by analogy the rules

applicable to Cabinet staff, as laid down in Article 4.1 (5), points (b) and (c), of Commission Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary staff.

ANNEX - ADMINISTRATIVE BUDGET FOR EACH COMMISSIONER'S CABINET

Each Commissioner's Cabinet can be supported by the following budget appropriations¹¹:

Contractual staff	- item	25 01 02 01
Mission expenses	- item	25.01 02 11.01.01.10
Entertainment expenses	- item	25.01 02 11.02.01.30
External meetings and invitations of experts	- item	25.01 02 11.01.02.20
Internal meetings	- item	25.01 02 11.02.02.40
Training	- item	25.01 02 11 06

The budget for training and contractual staff (mainly secretarial staff and mail clerks) is managed by the local HR unit for the Cabinets (unit HR.R.2). The number of contractual staff of the pool of secretaries is based on the amounts allocated in the annual budget procedure and calculated on the basis of a minimum of three person/years for the President's Cabinet and one person/year for the other Cabinets.

The amounts of the other budgets will be fixed by the Cabinet of the President at the beginning of the new Commission's term of office/budget year and updated during the course of the year through several planning exercises. Commissioners' Cabinets must plan their activities so that they remain within the set budget limits. Requests for budget adjustments must be sent to the Office for administration and payment of individual rights (PMO) with a copy provided to the President's Cabinet for agreement and to unit HR.R.2.

The PMO will commit and pay all expenditure (excluding the budgets managed directly the local HR unit for the Cabinets) and will send each office a monthly report on its spending on the different items (together with a statement of missions undertaken or planned). The report on spending will give a clear picture of the initial budget, the amounts spent, the forecasts and the balance available.

These rules will apply as of the first day of the mandate of the new Commission.

¹¹ Commissioners' mission expenses (item 25.010211.01.01.10) and entertainment allowances (item 25.010211.02.01.30) are covered by other parts of the budget.