

**Rules governing the composition of the Members'
Cabinets and the Spokespersons**

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RULES GOVERNING THE COMPOSITION OF THE MEMBERS' CABINETS AND THE SPOKESPERSONS

A. COMPOSITION OF CABINETS

1. STRICT AND TRANSPARENT RULES

Commissioners are assisted in their work by a Private Office (Cabinet). The rules governing the composition of these Cabinets have been laid down by the President.

These rules are based on the principles of rigour and transparency.

2. PROFESSIONAL ETHICS

In performing their duties Cabinet staff must only have the interest of the institution in mind. Cabinet staff is subject to the same rules of professional ethics as all Commission staff.

3. COMPOSITION OF CABINETS

Officials will be seconded to the cabinets in the interest of the service. Temporary agents will be employed in accordance with the specific rules adopted by the Commission¹.

3.1. A*/AD grades

Number: the President has eleven A*/AD grade staff in his Cabinet and the other Commissioners six. This number includes the Head of Cabinet and the Deputy Head of Cabinet.

However, it will be possible to convert one B*/C*/AST post into an A*/AD post if so wished. Such a converted A*/AD post may be filled by a temporary agent.

Nationality: at least three different nationalities. The Head of Cabinet or the Deputy Head of Cabinet should preferably be of a different nationality from that of the Commissioner.

Administrative Status: President's Cabinet: no less than seven officials. The Head of the President's Cabinet is ranked as Director-General.

Commissioners' Cabinets: no less than three officials.

While remaining within the overall number of A*/AD staff, the Cabinets of the Commissioners from the new Member States may have a citizen of one of these Member States as an additional temporary agent. The engagement of this temporary agent is only possible before 31 October 2006.

¹ c.f. the decisions concerning the powers of appointing authority regarding the engagement and employment of temporary agents.

Temporary agents engaged under article 2c of the CEOS receive a contract of indefinite duration. In all cases, these contracts are terminated at the appropriate time in anticipation of the end of the mandate of the Commissioner concerned.

Gender: Commissioners will endeavour to ensure a gender balance.

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

3.2. Administrative and secretarial support

Number: Commissioners will have an administrative and secretarial support staff of maximum eleven B*/C*/AST of whom no more than three may be B* grades. For the President, the team is maximum seventeen with no more than four B* grades. Nevertheless, it will be possible to transform one C* post into a B* post, if so wished.

Administrative Status: the aim is that all B*/C*/AST staff should be officials (with the exception of the personal assistant/secretary of the Commissioner, who may be a temporary agent, B* or C* respectively).

While remaining within the overall number of B*/C*/AST staff, the Cabinets of Commissioners from the new Member States may have a citizen of one of these Member States as an additional B* category temporary agent. The engagement of this temporary agent is only possible before 31 October 2006.

Apart from the above-mentioned cases, no new temporary staff contracts in categories B*/C*/AST will be concluded.

However for the sake of transition, B* or C* grade temporary staff under article 2c of the CEOS on 21 November 2004 may have their contracts maintained if they are retained for a post by any of the incoming Commissioners.

Administrative and secretarial support staff who are not officials receive a contract of indefinite duration under article 2c of the CEOS. In all cases, these contracts are terminated at the appropriate time in anticipation of the end of the mandate of the Commissioner concerned.

3.3. Drivers

Number: a single driver per Commissioner (two for the President).

Administrative Status: official from the Commission's drivers' pool (no new temporary contracts will be signed).

However for the sake of transition, D* grade temporary staff under article 2c of the CEOS already working on 21 November 2004 as Commissioners' drivers may have their contracts maintained.

Belonging administratively to the Commissioner's Cabinet.

3.4. Security staff

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

Local Security Officer: One Member of the Cabinet staff should be nominated and act as point of contact for the Security Directorate.

Security staff already serving Commissioners in their previous posts cannot be automatically retained. The Commission Security Directorate and the Secretariat-General shall determine on a case by case basis how best to ensure the security of Commissioners.

3.5. Other Staff

3.5.1. Interns

Commissioners may take subject to budgetary limitations on one or two interns under the Commission's graduate traineeship scheme administered by the Directorate-General for Education and Culture (five-month traineeship).

3.5.2. Auxiliaries, contract staff, national experts or any other forms of secondment or outside staff

The use of such staff in Commissioners' Offices is not allowed. If necessary (sickness, leave), secretaries can be provided from the reserve pool administered by the Directorate-General for Personnel and Administration (on a special, one-off basis only; in no case can this facility be used on a permanent basis to increase the number of staff in a cabinet or permanently replace a member of cabinet whose post should be filled in accordance with the rules set out in point 3.2 above).

3.5.3. Special Advisers

Commissioners can call on the services of paid or unpaid special advisers (former officials of Community institutions are not paid). The list of such special advisers is adopted by the Commission within a strict budget allocation and on the basis of a transparent procedure. They advise the Commissioner in a personal capacity. They must be acknowledged experts in their field and their remit must be clearly defined and restricted. Special advisers do not belong to Commissioners' Cabinets and they must not try to claim this status. They are not Commission staff.

Any other form of employment² is possible only on a one-off basis and must first be authorised by the President.

² All persons who assist the Commission against payment, reimbursement of expenses or invoices for services rendered, not being subject to the Staff Regulations of Officials or to the Conditions of Employment of Other Servants of the European Communities.

3.6. Replacement of staff

For replacement of cabinet staff absent on long-term sick leave, maternity leave or leave on personal grounds of less than 6 months, cabinets may ask their Directorate-General to provide a member of staff to cover during the period of absence. This will effectively create a 'surcharge' in the cabinet but will not affect the actual headcount. Such requests should be addressed to the Directorate-General for Personnel and Administration, with a copy to the President's Cabinet. Once the member of cabinet returns to work, the official providing cover must return to her or his Directorate-General of origin.

Cabinet staff requesting leave on personal grounds of more than 6 months will first have to be reintegrated into their Directorate-General. The Directorate-General will then be responsible for granting leave on personal grounds to avoid any surcharge to the cabinet.

4. APPOINTMENTS OF STAFF FROM THE COMMISSIONERS' CABINETS TO A COMMISSION DEPARTMENT

For officials such appointments 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 departments, since the normal rules for external recruitment will apply.

5. SECONDMENT AND ENGAGEMENT PROCEDURE

The power of appointing authority and authority empowered to conclude a contract is exercised by the Commissioner responsible for Personnel and Administration and the President of the Commission in the cases of Heads of Cabinet and Deputy Heads of Cabinet and by the Director-General for Personnel and Administration with information to the President's cabinet in the case of all other members of cabinet. All requests for secondment or engagement must be sent at an early date, and at all events before the person concerned takes up office, to the Personnel Policy Directorate of the Directorate-General for Personnel and Administration which will check for compliance with the rules and prepare the file to be sent through official channels for a decision by the Appointing authority (AIPN).

B. THE SPOKESPERSONS

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 will depend on their ability to communicate convincingly on portfolio issues in all Member States, including in the country they know best, and to be seen as strong team players contributing positively to the key objectives of the College.
2. The President and all Members of the Commission need adequate support to communicate effectively. The Commission Spokesperson and the Spokesperson's

service are their best asset. They will be a major element of the new Commission communication strategy, to be developed by the Vice President.

3. The Commission Spokesperson acts under the authority of the President and is in charge of the Spokesperson service. The function is filled either by secondment in the interests of the service or by engagement pursuant to article 2c CEOS; the Spokesperson is administratively integrated in DG PRESS. He/she speaks for the Commission and its President and is responsible for coordinating all media communication; in this capacity he/she will attend College meetings and can be invited to intervene during College discussions. He/she designates the spokespersons for each portfolio with the agreement of the Commissioner in charge of that portfolio. He/she should be supported by a small team, and have three deputies – all of them, in principle, without portfolio responsibilities.
4. There shall be one Spokesperson for each portfolio. Additional resources will be needed to communicate effectively on the core competencies of the Commission.

Individual Spokespersons communicate on their portfolios and abide to the collegiality principle in all their actions. They are responsible for managing media communication of each Member of the Commission. Each portfolio spokesperson must be fully integrated, for the daily operations, in the teams of each Commissioner and participate fully in the activities of the Spokesperson's service under the authority of the Commission's spokesperson. They should also count on the support of Representations in Member States capitals to closely follow the national media. The Commission will need to decide later how best to reinforce the communication capacity of these offices.

Moreover, they must have a clear and active role in approving the overall media strategy of the services of their Commissioner to ensure its coherence with the priorities of the Commission and the wishes of their Commissioner. To this end, there should be regular contact between the portfolio Spokesperson and the services concerned.

The media credibility of individual Commissioners is enhanced by the knowledge of his/her Spokesperson of portfolio business and the capacity to convey this knowledge in a media-friendly way across the Union's Member States. On the other hand, the credibility of the College as a whole may be damaged if individual Commissioners are perceived as acting in the national interest or solely reflecting a nationally focussed concern. An important way to enhance that potential and to overcome that risk is to ensure that Spokespersons are of a different nationality to the Commissioner of their portfolio.

5. Conclusion on appointment procedures:
 - the President designates and/or appoints the Commission Spokesperson;
 - the Commission Spokesperson designates the spokespersons for each portfolio in agreement with the Commissioner in charge of the portfolio;
 - Spokespersons are seconded / engaged applying *mutatis mutandis* the procedures applicable to members of Cabinet of grade A*AD (see section 3.1 above);
 - the spokespersons are of a different nationality to the Commissioner of their portfolio.

ANNEX - ADMINISTRATIVE BUDGET FOR EACH COMMISSIONER'S OFFICE OVERALL BUDGET

Each Commissioner's office will have its own budget for private office staff and drivers, to be drawn from the following budget appropriations³:

Auxiliary staff (including overtime)	- item	25.010201.00.01
Mission expenses	- item	25.010211.01.01.10
Entertainment expenses	- item	25.010211.02.01.30
External meetings and invitations of experts	- item	25.010211.01.02.20
Internal meetings	- item	25.010211.02.02.40

The budgets for auxiliary C staff amount to a maximum of three person/years for the President's Office and one person/year for the others. This entitlement is intended solely to cover absences of the offices' permanent or temporary staff due to holidays, illness, or maternity leave, for example. Directorate-General for Personnel and Administration is responsible for managing the pool of auxiliary private office staff.

The other budgets will be fixed by the President at the beginning of the new Commission's term of office/each budget year.

Commissioners' offices are asked to plan their activities so that they remain within these budget limits. Transfers between budget lines are possible. Requests for budget adjustments should be sent to the Directorate-General Budget with the agreement of the Cabinet of the President. Any transfer made has to be a multiple of 10 days.

The Office for administration and payment of individual entitlements (PMO) will commit and pay all this expenditure and will send each office (by e-mail) 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.

³ 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.