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COMMUNICATION TO THE COMMISSION

of 3.2.2010

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

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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. The grading in the functions of Head of Cabinet, Deputy Head of Cabinet, or Experts is defined in the Decision on the engagement and use of temporary agents (Temporary Staff Pursuant to Article 2c CEOS) 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 Commission².

3.1. AD grades

Number: the President has twelve AD grade staff in his Cabinet, the Vice-President High Representative of the Union for Foreign Affairs and Security Policy (hereinafter: VP/HR) has eleven, and the other Commissioners six. This number includes the Head of Cabinet and the Deputy Head of Cabinet and the Experts where applicable. While remaining within the overall number of AD staff, the Cabinets of the President and of the VP/HR may appoint up to two Experts of grade AD13 (1 Expert of grade AD13 for the other Commissioners) either by secondment in the interests of the service or by engagement pursuant to article 2c CEOS.

¹ Commission Decision C(2004) 1597/5 of 21 April 2004 on a new policy for the engagement and use of temporary agents, as amended by Commission Decision C(2005) 4467/2 of 15 November 2005.

² Commission Decision C(2004) 1313 of 7 April 2004 on general implementing provisions concerning the criteria applicable to classification in grade and step on appointment or engagement.

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

Cabinet of the VP/HR: no less than five officials. The Head of the Cabinet of the VP/HR is ranked as Deputy Director-General.

Commissioners' Cabinets: no less than three officials. The Head of the Commissioners' Cabinets are ranked as Director.

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.

Handover: For the sake of efficient continuity, it is possible to foresee a handover period of up to five working days during which the outgoing and new staff member work together in the Cabinet.

3.2. Personal assistant

The personal assistant of the Commissioner is either an AST or an AD and may be a temporary agent. Only the AD assistants are not counted to AD limits referred above

Handover: For the sake of efficient continuity, it is possible to foresee a handover period of up to five working days during which the outgoing and new staff member work together in the Cabinet.

3.3. Administrative and secretarial support

Number: Commissioners will have an administrative and secretarial support staff of maximum eleven³ AST in number of whom no more than three may be ex B* grades. For the President, the team is maximum nineteen⁴ with no more than four ex B* grades plus security staff (see below). For the VP/HR, the team is maximum sixteen⁴ with no more than three ex B* grades.

Administrative Status: President's Cabinet: no less than nine officials

Cabinet of the VP/HR: no less than eight officials

³ The personal assistant of a Commissioner counts to this figure be he/she recruited as AST or AD.

⁴ See previous footnote

Commissioners' Cabinets: no less than six officials.

Handover: For the sake of efficient continuity, it is possible to foresee a handover period of up to five working days 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. 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 (two for the President).

Administrative Status: The aim is that contract agents will constitute the drivers' pool, although for a period the pool will contain officials from the Commission's drivers' pool (no new temporary contracts will be signed).

However for the sake of transition, AST temporary staff under article 2c of the CEOS already working as Commissioners' drivers may have their contracts maintained.

Drivers are administratively attached to the Office for Infrastructures and Logistics in Brussels (OIB), but will be put at the disposal of the Cabinets.

3.5. Security

General

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 assigned to protect Commissioners

These posts are filled either by officials or by temporary Staff engaged pursuant to Article 2c CEOS. These posts belong to the AST function group (type of post: agent technique). Officials are assigned to a post within the Security Directorate. Temporary Staff are engaged applying mutatis mutandis the rules applicable to the personal secretary of the Commissioner and are assigned to a post within the Security Directorate.

The President's Cabinet has its own security staff cell, with one AD and six AST staff. This cell does not count to the AD and AST limits referred to above

3.6. Other Staff

3.6.1. Interns

Commissioners may take subject to budgetary limitations on **up to two** interns under the Commission's graduate traineeship scheme administered by the Directorate-General for Education and Culture (five-month traineeship). Up to two interns may be taken under the Commission's Structural Traineeships Programme (E.C.S.T.P.) administrated by the Directorate-general for Personnel and Administration and they will not be of the same nationality. In total, a maximum of three interns per Cabinet is allowed at any time. Interns may be sent on mission. The related costs will be charged to the mission budget of the Cabinet where they perform their activities. Interns have to be accommodated within the available office space attributed to each Cabinet.

3.6.2. *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 HR Cabinets team (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 3.3 above). In exceptional circumstances, such as prolonged overload of secretarial work, a secretary from the pool, to be accommodated (adequately) within the available office space, can be provided for a defined period subject to availability of the necessary funds in the global envelope for the Cabinet concerned and prior approval from the President's Cabinet on the basis of a fully justified request.

The pool consists either of contract agents or temporary staff⁵ engaged pursuant to Article 2c CEOS.

3.6.3. *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 employment is possible only on a one-off basis and must first be authorised by the President.

⁵ Up to 8 in total and only from staff already serving in the pool

3.7. 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. If the Directorate-General is unable to provide a member of staff, Cabinet may exceptionally engage additional temporary staff to cover 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 HR Cabinets team, 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, contracts of temporary staff providing cover will be terminated.

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 HR Cabinets team who will check for compliance with the rules and prepare the file to be sent through official channels (DG ADMIN) for a decision by the Appointing authority (AIPN).

B. THE SPOKESPEOPLE'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 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 Spokespeople's Service is their best asset. They are a major element of the Commission's communication strategy, working together, as described in the guidelines on external communication (SEC(2009) 313), with the representations and using the corporate tools managed by DG COMM.
3. The Spokespeople's Service acts under the authority of the President. It is administratively attached to DG COMM, pursuant to a memorandum of understanding to be established between the President and the member of the Commission in charge of DG COMM.

Spokespeople (AD) positions are filled either by secondment in the interest of the service or by engagement pursuant to article 2c CEOS, applying mutatis mutandis the procedures applicable to the Cabinets.

4. The Spokespeople's Service is led by the Head of Service who is responsible for its overall management and the direction. The Head of Service is assisted by the Commission Spokesperson and a Deputy Spokesperson. The function of Head of Service is filled at grade AD 15, the function of Commission Spokesperson is filled at grade AD 14, and the function of Deputy Spokesperson at grade AD 13. The Head of Service, the Commission Spokesperson and the Deputy Spokesperson speak for the Commission and its President and are responsible for coordinating all media communication. In this capacity, the Head of Service and the Commission Spokesperson attend College meetings and can be invited to intervene during College discussions.
5. The Spokespeople's Service is structured into up to three units. The units are led by Co-ordinating Spokespeople as heads of unit. The functions of heads of unit are filled at the grade AD 11 either by seconded officials or temporary agents.
6. The Head of Service and the Commission Spokesperson are designated by the President. The Deputy Spokesperson and the Co-ordinating Spokespeople are designated by the President in agreement with the Head of Service. The mission and the remit of the units are defined by the President in agreement with the Head of Service.
7. The VP/HR shall have two spokespeople (one lead spokesperson, whose function is filled at grade AD 11, and one deputy). There shall be one spokesperson for each of the other portfolios and a limited number of spokespeople without direct portfolio responsibilities, so that the service is able to communicate effectively on the core competencies of the Commission, and to function without disruption in the absence of portfolio spokespeople. The Head of Service designates portfolio spokespeople in agreement with the member of the Commission in charge of the portfolio, and spokespeople without direct portfolio responsibility are designated by the Head of Service in agreement with the President. The spokespeople are assigned to a unit by the Head of Service.
8. Spokespeople communicate on Commission policy in general, their portfolios or other Commission activities as assigned and abide to the collegiality principle in all their actions. Portfolio spokespeople are responsible for managing media communication of the member of the Commission in charge of the portfolio. Each portfolio spokesperson

must be fully integrated, for the daily operations, in the team of the member of the Commission in charge of the portfolio and participate fully in the activities of the Spokespeople's Service under the authority of the Head of Service. They should also count on the support of the information and communication units of the portfolio Directorate-Generals, and of the Commission Representations in Member States to closely follow, respectively, the portfolio policies and the national media. They are in charge of coordinating the overall media strategy of the services of the member of the Commission in charge of the portfolio to ensure its coherence with the priorities of the Commission and the wishes of the member of the Commission. To this end, portfolio spokespeople must be closely associated to the contacts between the member of the Commission in charge of the portfolio, his cabinet and his services. The "modus operandi" to be agreed between members of the Commission, their cabinets and their services will comprise a section on coordination of media communication.

9. The media credibility of the members of the Commission is enhanced by the knowledge of spokespeople of portfolio business and the capacity to convey this knowledge in a media-friendly way across the EU'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
 - Spokespeople must have proven communication and language skills;
 - The Head of Service and the Commission Spokesperson are of a different nationality to the President, and portfolio spokespeople are of a different nationality to the member of the Commission in charge of their portfolio.
10. The spokespeople are assisted by press officers and secretaries engaged among Commission staff, who are assigned to their tasks by the Head of Service and directed in their daily work by the Coordinating Spokespeople.

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| ANNEX - ADMINISTRATIVE BUDGET FOR EACH COMMISSIONER'S OFFICE OVERALL BUDGET |
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Each Commissioner's office will have its own budget for private office staff and drivers, to be drawn from the following budget appropriations⁶:

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| Contract agent | - item | 25 01 02 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 contract agent secretarial 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 to cover absences of the offices' permanent or temporary staff due to holidays, illness, or maternity leave, for example. The HR Cabinets team is responsible for managing the pool of contract agent private office staff.

To cover the case of a contract agent leaving the pool to become a 'full' Cabinet secretary, the following is foreseen:

The contract agent budget will consist of two distinct sections: temporary replacements (to cover the pool) and permanent or structural (to cover the full cabinet secretaries).

On approval of a request for a full Cabinet secretary, DG BUDG will be asked to convert the AST post into credits and this will be then confirmed in the subsequent budgetary exercise.

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. Requests for budget adjustments should be sent to the Paymaster Office (PMO) .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.

⁶ 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.