

**Amended proposal for a European Parliament and Council Regulation amending, for the benefit of European parliamentary assistants, Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, self-employed persons and to members of their families moving within the Community, and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71**

(2002/C 331 E/04)

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(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 16 July 2002)

## **1. Background**

In order to make for more legal certainty in the field of social security for European parliamentary assistants, and to determine more easily and beyond doubt the legislation applicable to this particular type of worker employed by MEPs to assist them in the performance of their elective office, the Commission considered it appropriate to amend Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72. These regulations coordinate Member States' social security schemes so as to avoid certain disadvantages — due to differences between Member States' schemes — which might occur when a person moves within the Community. This coordination determines, in particular, the Member State whose social security legislation is applicable.

The Commission presented its proposal on 25 June 2001 <sup>(1)</sup>. The proposed amendments will allow European parliamentary assistants to exercise, as is the case for the Community institutions' auxiliary staff, a right of option on the social security system to be applicable to them.

The European Parliament adopted a report containing five amendments to the Commission proposal during its plenary sitting on 11 June 2002.

## **2. Examination of the amendments**

The Commission accepts to incorporate amendment 3 in its amended proposal, without change. With this amendment the European Parliament proposes to add to recital no. 4 of the Commission proposal a reference to the possibility of employment by several members of the European Parliament. The Commission accepts this amendment because it provides a useful clarification in respect of the group of persons covered by this proposal, with no need to amend the proposed provision.

However the Commission does not accept the other amendments, namely amendments 1, 2, 4 and 5.

Amendment 1 proposes to replace the term 'European parliamentary assistants' in the title and the text with the term 'assistants to members of the European Parliament'. The Commission refuses this amendment because it is superfluous in light of the definition contained in the Commission proposal (see Article 1(1), which already refers to 'an employed person employed by one or more Members of the European Parliament').

Amendment 2 proposes to add a recital 3a containing an additional justification for the right of option granted to the parliamentary assistants covered by the Commission proposal, namely the financial source (Community budget) of the salary and social security payments. The Commission rejects this amendment because the right of option is justified by the specific nature of the direct and subordinate link between the parliamentary assistant and the member(s) and not because the assistants' salaries and social security contributions are taken from the Community budget, which is also the case for other groups of parliamentary assistants not covered by the Commission proposal, namely workers employed through an intermediary and self-employed workers.

<sup>(1)</sup> COM(2001) 344 (OJ C 270 E of 29.9.2001).

Amendment 4 is intended to clarify, in Article (1) w), that the parliamentary assistant may be contracted for a period shorter than the term of office of the Member of Parliament employing him. The Commission refuses this amendment as this concept already appears in the Commission's text, which uses the term 'during their term of office' and not 'for the duration of their term of office'. This amendment is therefore superfluous.

Amendment 5 proposes to add to Article 14(4) of Regulation 574/72 the possibility for parliamentary assistants who have opted for German legislation to be applied to remain affiliated to the system covering the *Land* where they were last resident. The Commission rejects this as it considers that this amendment is not required to ensure the correct operation of the right of option for the German system. In fact the provisions for auxiliary agents on which the Commission proposal is modelled already appear to guarantee complete social protection by referring to the place of the seat of the German government.

### 3. Conclusion

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal for a Regulation as outlined above.

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