



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.03.1996  
COM(96) 77 final

Amended proposal for a  
**COUNCIL REGULATION (Euratom, ECSC, EEC)**

amending the Staff Regulations of Officials and Conditions of Employment  
of Other Servants of the European Communities in respect  
of equal treatment of men and women

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(presented by the Commission pursuant to Article 189a(2)  
of the EC Treaty)





## EXPLANATORY MEMORANDUM

Revised proposal for a Council Regulation (Euratom, ECSC, EEC) amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities in respect of equal treatment of men and women

On 19 March 1993 the Commission adopted a proposal for a Council Regulation amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities in respect of equal treatment of men and women (COM(93)106 final).

This proposal was sent to the Council on 29 March 1993 [doc. 5661/93].

At the plenary sitting of Parliament on 19 November 1993 the Commission accepted an amendment put forward by Parliament aimed at extending the principle of non-discrimination expressed in the initial proposal to sexual orientation, but only in respect of recruitment and career development.

A number of consultations were held throughout 1994 which led to the formulation of the present proposal.

The initial Commission proposal should therefore be revised to take account of these consultations and of Parliament's amendment.

The statement of this principle in the Staff Regulations is not in conflict with the *Kalanke* judgment as provision is made for the relevant detailed measures to be determined by agreement by the institutions at a later date.

**[REDACTED]**

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee,<sup>1</sup>

Having regard to the opinion of the European Parliament,<sup>2</sup>

Having regard to the opinion of the Court of Justice,<sup>3</sup>

Having regard to the opinion of the Court of Auditors,<sup>4</sup>

Whereas the principle of equal treatment of men and women should be included among the basic tenets set out in the Staff Regulations and Conditions of Employment applying to the Community's public service, and not only in the matter of recruitment;

Whereas the institutions should be asked to determine, by agreement, positive actions to promote equal opportunities for female and male officials in the areas covered by the Staff Regulations and the Conditions of Employment of Other Servants,

HAS ADOPTED THIS REGULATION

Article 1

The Staff Regulations of Officials of the European Communities are amended as follows:

1) The following Article is inserted after Article 1:

Article 1a

1. Officials shall be entitled to equal treatment under these Staff Regulations without reference, direct or indirect, to race, political, philosophical or religious beliefs, sex or sexual orientation without prejudice to the relevant provisions requiring a specific marital status.

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<sup>1</sup> Opinion No

<sup>2</sup>

<sup>3</sup>

<sup>4</sup>

**[REDACTED]**

2. The institutions shall determine, by agreement, after consulting the Staff Regulations Committee, measures and actions to promote equal opportunities for female and male officials in the areas covered by these Staff Regulations, and shall adopt the appropriate provisions, notably to redress such *de facto* inequalities as hamper opportunities for women in these areas.

2) The second paragraph of Article 27 is replaced by the following:

"Officials shall be selected without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation."

## Article 2

The Conditions of Employment of Other Servants of the European Communities are amended as follows:

1. The first paragraph of Article 10 is replaced by the following:

"Article 1a, Article 5(1), (2) and (4) and Article 7 of the Staff Regulations, concerning the classification of posts in categories, services and grades, equal treatment for officials and the assignment of officials to posts, shall apply by analogy."

2. The second subparagraph of Article 12(1) is replaced by the following:

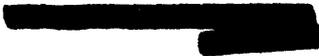
"Temporary staff shall be selected without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation."

3. The following is added to Article 53:

"Article 1a of the Staff Regulations, concerning equality of treatment for officials, shall apply by analogy."

4. Article 83 is replaced by the following:

"Article 1a, Article 11, the first paragraph of Article 12, Article 14, the first paragraph of Article 16, Articles 17, 19 and 22, the first and second paragraphs of Article 23 and the second paragraph of Article 25 of the Staff Regulations, concerning the rights and obligations of officials, and Articles 90 and 91 of the Staff Regulations, concerning appeals, shall apply by analogy."



Article 3

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council  
The President



ISSN 0254-1475

COM(96) 77 final

# DOCUMENTS

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Catalogue number : CB-CO-96-088-EN-C

ISBN 92-78-00954-7

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Office for Official Publications of the European Communities

L-2985 Luxembourg