

Answer given by Mrs Diamantopoulou on behalf of the Commission

(12 August 2003)

The failure of the Employment and Social Affairs Council of 3 June 2003 to reach agreement on the draft temporary agency workers Directive ⁽¹⁾ was due to a blocking minority of four Member States (Denmark, Germany, Ireland and the United Kingdom) who were demanding a permanent exemption for assignments of less than six months from the application of the principle of equal treatment for temporary agency workers. Such an exemption would have meant that the vast majority of temporary agency workers would fall outside the scope of the equal treatment provisions of the Directive.

The Lisbon European Council (23 and 24 March 2000) called for a balance between flexibility and security for Community labour markets. The Commission's proposal tries to strike this balance by providing minimum protection for temporary agency workers on the one hand, and by lifting current restrictions on the use of that type of work in order to create jobs on the other. The Commission hopes that a common position will be reached without delay and is committed to playing its role in ensuring that the mandate of the Brussels European Council of March 2003 to reach agreement by December 2003 is respected.

⁽¹⁾ Proposal for a Directive of the Parliament and the Council on working conditions for temporary workers, OJ C 203 E, 27.8.2002 as amended, COM(2002) 701 final.

(2004/C 33 E/227)

WRITTEN QUESTION E-2124/03**by Bart Staes (Verts/ALE) to the Commission**

(25 June 2003)

Subject: Recruitment of officials from the accession States

The Official Journal of the European Communities of 22 May 2003 (C 120 A — Volume 46 — EN) announced 1 355 vacancies for which only nationals of the ten new Member States could apply ('You must be a ... citizen').

In a press release (IP/03/747) of 26 May 2003, the Commission stated that over a period of seven years 3 900 officials would be recruited from the new Member States.

Article 17 of the EC Treaty reads:

'1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.'

'2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.'

Article 39 of the EC Treaty reads:

1. Freedom of movement for workers shall be secured within the Community.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment (...)
4. The provisions of this article shall not apply to employment in the public service.

Does Article 39(4) also apply to officials and other staff of the European institutions? On the basis of what argument?

Does the Commission accept that the required qualifications listed in the Official Journal of 22 May 2003 do not necessarily have to be associated with a nationality? If not, why not? If so, why has it not made all citizens of the Union eligible for these posts?

Does the Commission agree that this constitutes discrimination against applicants from the existing Member States? If not, what is the Commission's message to the — predominantly young — applicants from the fifteen existing Member States who wish to make careers at the European institutions but will find it impossible or virtually impossible to do so because of the quotas for recruitment of candidates from the new Member States?

Can the Commission provide an overview of the numbers of staff recruited in 2000, 2001 and 2002, broken down by nationality (of the Member States), age and level (of post)?

Answer given by Mr Kinnock on behalf of the Commission

(12 August 2003)

The rules governing the selection of officials for the European institutions are based on the Staff Regulations. Article 27 of Title III of the Staff Regulations stipulates that 'recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities'.

Article 27 further stipulates that 'No posts shall be reserved for nationals of any specific Member State'.

As has been the case at the occasion of previous enlargements of the Union, the Commission has adopted a proposal for a temporary exemption clause to the Staff Regulation. It provides for the possibility of recruiting officials from the future new Member States on the basis of citizenship in order to ensure a necessary minimum intake of staff from these countries within the services of the institutions. This proposal, which is currently being discussed in the Council of the European Union, foresees a validity of seven years.

This Commission proposal also provides for the possibility, during that seven years period, to undertake the organisation of competitions specifically related to citizens of the present 15 Member States, in order to ensure balanced recruitment on the broadest possible geographical basis throughout the transitional period following the date of accession of the future new Members States.

In spite of the exceptional character of the exemption clause allowing for recruitment on the basis of citizenship of one of the future new Member States, it must be underlined that the continuation of the organisation of EUR-15 competitions provides an overall framework for a recruitment policy which is in line with the principles laid down in article 39 of the EC Treaty.

Information concerning recruitment by nationality can be found in the tables that are sent direct to the Honourable Member and to Parliament's Secretariat.

(2004/C 33 E/228)

WRITTEN QUESTION E-2125/03

by Bart Staes (Verts/ALE) to the Commission

(25 June 2003)

Subject: Fixed book prices

In a resolution of 16 May 2002 (P5_TA(2002)0244), the European Parliament called on the Commission to submit to Parliament by the end of 2002 (!!), on the basis of Article 95 of the EC Treaty, a legislative proposal on the fixing of book prices.

Has the Commission drafted a legislative proposal, and can it indicate the substance of the proposal? If not, why has the Commission not acted upon this request by the European Parliament?