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European Civil Service

Report[1]
Committee on the Budget and the Intergovernmental Work Programme
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Jacques BICHET, France

1. 1957 - 9th Session - Third part

A. Draft Recommendation [2] presented by the Legal Committee and the Committee on the Budget

The Assembly,

Having regard to Resolution (55) 19, adopted on 12th October 1955, by the Committee of Ministers, setting up a Working Party to study the problems of a European Civil Service and to make proposals for t h e harmonising of the various statutes and for the co-operation of organisations in the administrative field;

Having taken note of the first Report, dated 2nd July 1957, drawn up by the Working Party (Doc. 717) ;

Having regard to Order 95 of 21st April 1956, instructing the Legal Committee to follow the activities of this Group arid to make to the Assembly, in due course, such proposals as it may deem appropriate;

Having regard to Recommendation 136 on the provision of wider terms of reference for the Working Party studying the problems of a European Civil Service, adopted on 3rd May 1957;

Recalling the wish expressed on several occasions that a genuine corps of European officials be formed;

Convinced that, in present circumstances, the creation of a European Civil Service for European organisations as a whole is essential to the efficiency of European institutions;

Considering it highly desirable, therefore, that every effort be made to introduce a statute to this effect;

Considering that, in view of the diverse nature of European organisations, the establishment of a European Civil Service should take the form of a set of measures designed with a view to creating a. de facto body of European officials,

Recommends that the Committee of Ministers should :

I. Draw the special attention of the Working Party on a European Civil Service created by Resolution (55) 19 to the need to give urgent consideration to measures to be taken to :

facilitate the transfer of officials from one organisation to another;

set up a central bureau for t h e sole purpose of receiving applications for employment and circulating them to the Secretariats of the European organisations;

institute a system of special preliminary training for future European officials;

set up a special European administrative tribunal for the settlement of disputes relating to the application of the staff regulations of European organisations;

establish a comprehensive pension scheme which should cover, if possible, all the organisations concerned;

II . Transform the Working Party set up under Resolution (55) 19 into a permanent coordinating body;

III . Transmit, in the interests of harmonising and unifying the regulations governing European civil servants, to the executive and parliamentary bodies of the European Economic Community and of the European Atomic Energy Community, t h e conclusions reached and adopted in due course on the subject of a European Civil Service by the Working Party set up under Resolution (55) 19 and by the Consultative Assembly.

2. See 35th Sitting, 17th January 1958 (draft Recommendation adopted), and Recommendation 155.

B. Explanatory Memorandum by M. BICHET

1.

1. The Consultative Assembly has, from the very first, attached particular importance to the establishment of a Statute for a European Civil Service, applicable to as many European organisations as possible. In this connection, i t adopted, on 21st April 1956, Order 95, by which it instructed the Committee on Legal and Administrative Questions to follow developments in the question of the creation of a European Civil Service. The present report is submitted in pursuance of this Order.

During the first part of its Ninth Session, on 3rd May 1957, the Consultative Assembly, on the initiative of its Committee on the Budget, adopted Recommendation 136 which also advocated the creation of a European Civil Service. Following this vote the Legal Committee and the Committee on the Budget, in order to harmonise their action in this field, set up a Joint Sub-Committee on a European Civil Service.

2. Your Committees have been greatly helped in their task by the transmission to the Consultative Assembly, for information, of the report giving the first findings of the Working Party on a European Civil Service set up by Resolution (55) 19 of the Committee of Ministers of the Council of Europe (Doc. 717).

3. Your Committees wish to thank the Committee of Ministers for providing this information, which seems to them not only proper but indeed essential in view of the interest which the Consultative Assembly has always attached to the establishment of a Statute for the European Civil Service.

Suffice it to recall in this connection :

> *Resolution 11 of 30th May 1952 and Opinion No. 3 of 30th September 1952 on the need to draw up the constitution and rules of a real European Civil Service;*
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> *Order 95 of 21st April 1956, in which the Assembly instructs the Committee on Legal and Administrative Questions to follow developments in connection with the creation of a European Civil Service;*
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> *Recommendation 134 (on steps to be taken by the Committee of Ministers as a result of the creation of the European Economic Community) and Recommendation 136 (on wider terms of reference for the Working Party studying the problems of a European Civil Service).*

It was owing to the Assembly's interest in these problems that the Committee of Ministers made a point of mentioning in the preamble to its Resolution (55) 19 setting up the Working Party the views repeatedly expressed by the Assembly on this matter. Moreover, the Committee of Ministers had previously agreed to keep the Assembly informed of its own activities in this field.

4. Before approaching the main subject of their report, your Committees think it as well to stress once more the circumstances and time factors which make it urgently necessary to create a European Civil Service.

5. The establishment of so many international organisations in Europe in the last 10 years and the constant increase in the number of administrative staff that this entails raises many administrative problems which have hitherto been solved in a piecemeal, makeshift and sometimes inconsistent manner. It seems all the more urgent, now that new European organisations are about to come into being, t h a t common principles should be worked out and recommended to the responsible authorities of the various organisations. Indeed, the very efficiency of these organisations largely depends on this.

6. It is with this point in mind that your Committees draw your attention to the particularly important part played by the European official in the activities of our organisations. He has to carry out important preparatory work before the responsible bodies can reach their decisions. He must prepare an introductory study for their benefit so that they come to the problem with an overall view and as clear an insight as possible. The information he supplies must be comprehensive and accompanied by an interpretation rendering the data comparable as between one country and an other. To him also falls the responsibility of correlating the work and preparing plans conceived in a truly European spirit. Here he must at all times be objective, tactful, discreet and strictly impartial. It is his duty to smooth out any differences which may exist between national organisations and attempt to reconcile their viewpoints—in a word, find compromise formulae consistent with the spirit of the institution. If he is to have the best possible conditions for success in his work, the European official should have a special status guaranteeing not only his complete independence in relation to the national Governments but also a certain number of benefits in keeping with the qualities required, notably the certainty of a stable career.

7. An obvious pre-requisite for all this is that the organisations concerned should form part of a general civil service system. The absence of such a general system for administrative action is one of the main causes of the difficulties with which these organisations have to contend in their endeavours to perform their work with efficiency. Hence the imperative need to prepare a European Civil Service Statute covering the maximum number of European organisations. The achievement of this aim is of paramount importance to the unification of Europe. It presents a problem to which the Governments should devote the keenest attention, for it need hardly be pointed out that the Europe of the future will largely depend on the quality of its public servants.

8. With regard to the actual conception of a European Civil Service, a summary will be found in paragraph 97 of the report of the Working Party. At t h e present stage, we read, a European Civil Service cannot be conceived as a really unified career embracing a single corps of public servants all subject to identical regulations. In view of the diverse nature of European organisations, the establishment of a Civil Service must rather be conceived in terms of a set of measures designed with a view to creating a ale facto body of officials which would be rendered homogeneous by the following combination of factors :

a similar conception of the duties involved by responsibility to an international authority;

similar qualifications for corresponding posts;

conditions of service sufficiently uniform to make the staffs of European organisations to some extent interchangeable.

Thus, to the question " is the phased creation of a European Civil Service possible? " the report answers in the affirmative, adding the proviso " within limits and subject to a certain timing ".

This is a realistic conception and constitutes a sound approach to the problem. It may certainly be whole-heartedly approved.

9. The report of the Working Party also lists a number of measures calculated to brine: a European Civil Service into being. These proposals will be the subject of a further study by the Working Party. A good many of them are in keeping with ideas already put forward in your Committees.

10. Attention should be called, however, to certain concrete measures which, in the opinion of your Committees, could be introduced in the near future. To do so would be an undoubted advance in the administrative law governing European organisations and hence a great step towards the creation of a corps of European civil servants.

Concrete proposals

11. Of the concrete proposals for the creation of a corps of civil servants, your Committees would single out for your attention the need to facilitate transfers of officials from one organisation to another. This could be done by arrangement between the organisations concerned, and the Working Party should go into the details of the problem as a matter of priority. In the meantime, the organisations might be urged to keep one another informed of vacant posts. That, too, could be done by arrangement between the Secretaries-General without formal agreement. This, incidentally, is the method followed by the United Nations Secretariat and the Secretariats of its Specialised Agencies.

12. The creation of a career offering European officials greater security of tenure presupposes much greater attention to methods of recruitment.

Thus we cannot but approve the decision of the Working Party to examine in detail the technical aspects of recruitment (paragraph 98 of the report). In the meantime, however, your Committees think it desirable that the organisations introduce immediately a common arrangement for circulating applications for employment among themselves. For example, they might consider setting up a central bureau for the sole purpose of receiving applications for employment and circulating them to the secretariats of the European organisations. It is fully understood, of course, that the organisations would retain complete freedom of choice in making appointments. Experience has shown, however, that large numbers of people who might have been valuable material for the European organisations, have not applied for posts because they had no precise notion of how to do so. The creation of a central bureau would no doubt help to overcome this difficulty.

13. In order to qualify for employment in a European organisation, officials should undergo special preliminary training. The ideal, no doubt, would be to create a European Civil Service Training College on the model of the National Schools of Administration to be found in various member countries. The instruction given in such establishments might take some account of experience gained at the College of Europe in Bruges. Meanwhile, Member Governments of European organisations should be recommended to introduce into their

general training system for civil servants a division for the training of candidates for employment in the service of Europe. This question should also receive special attention from the Working Party, so that concrete proposals may be put forward at an early date. The imminent creation of new European organisations leaves no room for delay in introducing such schemes.

In this connection, your Committees have a further proposal to put forward : might not the European organisations be urged to take advantage immediately of the European training courses available at Bruges and send every new recruit to the College of Europe for three months? This would make it easier for each official to adapt himself to the European spirit in which he would be expected to carry out his future work.

14. If European organisations are to offer security of tenure, their staff members must have safeguards of a juridical nature.

The Working Party has rightly stressed that civil servants should be able to appeal to an independent body against decisions which infringe regulations designed to guarantee t h em security of tenure, or against a refusal to grant them what they regard as rightful promotion. Such bodies should of necessity enjoy sufficient independence vis-à-vis the organisations themselves to ensure that the latter have no means of influencing their attitude from within, as might be the case with a mere administrative board. Only a Tribunal could fully meet the case.

The present position in the European organisations is not at all satisfactory in this respect. Only the E. C. S. C. offers its staff the possibility of effective appeal to a judicial body. On the other hand, the Council of Europe merely has an arbitration board with very loosely defined terms of reference.

Your Committees therefore recommend that Member Governments be urged to set up an Administrative Tribunal to settle disputes relating to the application of the staff regulations of European organisations. A tribunal of this kind, common to all the European organisations, might subsequently become the judicial body attached to the European Civil Service. In putting this proposal into effect, it would be possible to follow in the footsteps of the Administrative Tribunal of the International Labour Organisation, which was set up in 1927 and now has jurisdiction over several international organisations. Another example is the United Nations Administrative Tribunal set up under Resolution 351 (IV) of the General Assembly.

15. The Working Party rightly emphasises in paragraph 100 of its report that a comprehensive pension scheme, if possible common to all the organisations concerned, is essential to a European Civil Service and would also contribute towards the establishment of a regular public service by promoting continuity of employment.

Without going into technical details, your Committees feel impelled to stress the importance of this problem. They therefore propose a recommendation to the Committee of Ministers that it take steps to afford the Working Party every opportunity of speedily bringing its studies on this question to a satisfactory conclusion.

16. In paragraph 99 of its report, the Working Party recommends that the Committee of Ministers transform it into a permanent coordinating body. The purpose of this Recommendation is to make theWorking Party permanently responsible for liaison between the European organisations in connection with the problems of staff administration.

Your Committees cannot but approve this recommendation. The very conception of a European Civil Service as outlined above is one of an edifice to be built up in successive stages. A sustained effort of co-ordination and rapprochement will be needed, and this can only be undertaken by a permanent specialised body.

17. With the European Economic Communi ty and the European Atomic Energy Communi ty now coming into being, your Committees consider it essential that these two organisations should, when drawing up their staff regulations, take into account the results achieved and suggestions made by the Council of Europe with respect to a European Civil Service. Your Committees accordingly suggest that you recommend the Committee of Ministers to transmit, in the interests of harmonising and unifying the regulations governing European civil servants, to the competent organs of these two organisations, the report of the Working Party together with an account of the work of the Consultative Assembly on the subject of a European Civil Service.