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## Steps to be taken for the creation of a European Civil Service

### Report<sup>1</sup>

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Adolfus MOLTER, Belgium, Socialist Group

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1. 1959 - 11th Session - Second part



## **A. I. Draft Recommendation**

The Assembly,

Having regard to Resolution (59) 16 adopted by the Committee of Ministers on 6th June 1959 deciding to transform the Working Party on the European Civil Service into a Consultative Committee on the European Civil Service;

Having regard to the Reports published by the Working Party;

Convinced that the problem of the European Civil Service is of great importance for the future of the European institutions and should be borne in mind when studying the problems of rationalisation;

Reiterating the wish expressed on several occasions that a real corps of European Civil Servants should be formed;

Believing that the creation of this corps is in the interests of the Organisations themselves, the Member Governments and the officials in their service;

Expressing its great disappointment that the Committee of Ministers does not more assiduously seek a solution of the problem,

Recommends to the Committee of Ministers that it should deal immediately with the problem and recognise :

1. the need to standardise the conditions of service throughout all the European Organisations ;
2. the importance of establishing common methods of recruitment and, in particular, the need for wide publicity throughout the Member States of the Council of Europe of opportunities for employment in European Organisations ;
3. the need for collaboration between the Organisations in staff training;
4. the need to accompany the future staff regulations by legal safeguards;
5. the need to ensure that the interests and opinions of staff are properly represented in the Secretariats;
6. the need for close liaison between the Special Committee on Rationalisation and the Consultative Committee on the European Civil Service.

## **B. II. Explanatory Memorandum by M. MOLTER**

### **1. I. Introduction**

1. The object of the present report, which comes seven years after the idea of a European Civil Service was first introduced in the Consultative Assembly, is to assess what progress has been made. It is not a technical survey, which would in any case duplicate the reports of the Working Party on the European Civil Service. We felt it would be more useful to give ourselves time for reflection, and, having reached the half-way mark, to pause and look round to see how far we have come and how far we still have to go.

I therefore thought it best to keep to general ideas, although that does not mean that I shall not refer, as I go along, to particular obstacles which still stand in our way. It is in order to become better acquainted with these, that we may the better overcome them, that we must now turn our efforts in connection with the European Civil Service. If this report succeeds in clarifying the situation and making its contribution to the patiently constructed edifice of the European Civil Service, it will have amply fulfilled the limited purpose I had in mind.

### **2. II. The terms of the problem**

2. The formation of a true European Civil Service, i.e. a corps of officials working in the service of the European institutions, is clearly a distant goal, the road to which is long and difficult.

However, there is nothing to prevent us, in the meantime, from temporarily setting ourselves more modest aims which will pave and signpost the way to a European Civil Service. Even if we cannot immediately achieve a single statute for officials in all the organisations, there is nothing to prevent us from trying gradually to bring the institutions into line with one another in this matter.

3. It seems to me that there are three ways of doing this :

- a. by creating a common sense of responsibility among the staff of all the organisations. This would be akin to the sense of public service and concern for the general interest characteristic of civil servants in our own countries, and derive essentially from devotion to the European cause as represented by the institution for which the official is working. Overriding the differences in the individual organisations it would also derive from a feeling of sharing in a single task. In this way a collective sense of responsibility among European civil servants might prove to be a most necessary ingredient for the unification of our continent.
- b. Once every mind is bent to a common aim, it will become no less necessary or urgent to instil into the staffs of the organisations some form of intellectual discipline, which, if not uniform, is at least sufficiently coherent in its variety. The number of different national backgrounds, languages and forms of education are at present often the cause of difficulties which hamper progress. While this is undoubtedly an enriching factor as far as individual contacts' go, it must be supplemented by the training of all staff in similar working habits and methods and a way of thinking which is sufficiently uniform and well fitted to the needs of international work.
- c. Lastly, the organisations, often against their will, have found themselves faced with working conditions which have only one point in common : the unwieldiness of the legal apparatus and the complexity of its machinery. The situation is what it is, and we feel it is difficult to tackle the problem at its roots, for this state of affairs is implicit in the very nature of international organisations. However, it is possible to improve efficiency indirectly by using the proper tools, that is to say, a body of loyal and competent officials. Without wishing to discredit the staff at present employed, I venture to think—we shall shortly see why—that their average efficiency could be improved by bringing conditions of service into line, by harmonisation and rationalisation.

### **3. III. The raisons d'être of a European Civil Service**

4. I have just indicated briefly what an ideal European Civil Service would be like and what we could hope to achieve, in the more immediate future, by a serious attempt at harmonisation. This return to first principles is perhaps not irrelevant if we remember that it was seven years ago, in 1952, that the idea took root for the first time and the term itself found its way into official documents.

We must now define in more detail the reasons which justify so great an effort and make the aim outlined above so desirable.

These reasons are of two kinds :

### **3.1. (a) Political**

The construction of Europe suffers only too much, as we all know, from the variety of European institutions. This is the consequence of the historical process which, in the absence of a federal power, obliges this ancient continent to organise itself on empirical lines. The inevitable result is a period of groping and disjointed effort. Fortunately, there is no lack of good will to prevent, by tenacious efforts, the dangers of the legal anarchy in which we live from jeopardising the fulfilment of our common aim.

We must realise that it is obviously in our interests to enlist the individual co-operation in this task of the staff of the organisations. We know from experience what a vital part they play in the preparation and success of all our projects. Without their competence and devotion many a worthwhile scheme would probably never have come into being at all.

If all these officials were employed on a common legal and administrative basis and assured of a true career in the European Civil Service, they would be much more firmly attached to the cause of European unity and, at the same time, it would mean the growth within the existing mosaic of institutions of a close bond, a common political way of thought, a uniform training and purpose, a common approach to problems and a common resolve to overcome them.

### **3.2. (b) Administrative**

I have just spoken of the varied and scattered nature of the institutions and the political consequences of this state of affairs. The administrative consequences are no less harmful to the European cause. Indeed, the same disparities are to be found in the staff rules and administrative regulations, which are drafted on different lines and offer varying conditions of service ; this results in recruitment difficulties and sometimes in a process of outbidding between the organisations. The almost complete absence of a genuine career means considerable insecurity for the staff and, in some cases, affords them undesirable opportunities of bringing pressure to bear on their organisations.

Bearing all this in mind, it would seem that any attempt at harmonisation should concern, in the initial stage, the following points:

- a. A secure career; that is to say, candidates for posts in European organisations should be offered a reasonable system of promotion, adequate security of tenure, social benefits of the kind generally expected in modern society, a favourable system of retirement pensions, legal safeguards as reliable as those offered in government service.
- b. Standardisation, on a reasonable basis, of salaries and conditions of service in all the organisations.
- c. The creation of a body of competent and loyal officials, this being a natural corollary of the foregoing.

These administrative steps would make it possible to secure an appreciable increase in the administrative efficiency of the organisations. They would be justified by the permanent or quasi-permanent nature of most of the organisations, since the treaties instituting them provide for their unlimited duration, as in the case of the Council of Europe, or for a duration which, though limited, is more than adequate for a normal career (e.g. E. C. S. C). The organisations have therefore a guarantee of duration which enables them to offer adequate security for their staff.

## **4. IV. Developments since 1952**

### **4.1. A. PROGRESS MADE**

#### **4.1.1. 5. Steps taken by the Assembly**

It was the Consultative Assembly of the Council of Europe, as you will remember, which first raised the question of creating a European Civil Service. In reply to a request from the Committee of Ministers for an opinion, the Assembly stated on 30th May 1952 (Resolution 11 (1952) that " in order to prevent the danger of the administration of the Communities and of other European Organisations being carried on in separate compartments, steps should be taken to draw up the constitution and rules of a real " European Civil Service ".

Later, when the matter was before the Committee of Ministers, the Assembly instructed its Committee on Legal and Administrative Questions to follow developments (Order No. 95. 20th April 1956).

Subsequently, after the Working Party on the European Civil Service had been set up, the Assembly urged that the occasion of the creation of the two new Communities of the Six be used " to work out concrete proposals regarding a European Civil Service " (Recommendation 134 (1957)), then asked for wider terms of reference for the Working Party (Recommendation 136 (1957)), and, finally, recommended that the Working Party should be transformed into a permanent co-ordination body and drew its attention to various specific aspects of the problem before it (Recommendation 155 (1958)).

Lastly, mention must be made of the creation, on 3rd May 1957, of the Joint Subcommittee of the Legal Committee and the Committee on the Budget on a European Civil Service. This Sub-committee has met eight times.

#### *4.1.2. 6. Role of the Committee of Ministers*

In 1954 the question was taken up by the Committee of Ministers. After talks between the Secretariat-General and the other European organisations, it was decided t h a t the best means of starting work on a European Civil Service was to form a group of independent experts appointed in part by the European organisations and in part by the Member States of the Council. Hence the Working Party set up under Resolution (55) 19, and there is no doubt that this decision of the Committee of Ministers marked a considerable step forward towards a European Civil Service.

It became apparent fairly soon, however, that although the Working Party was well suited to the purpose of studying the question —as the three reports so far submitted show—it could not serve as an effective means of action. Realising this itself, it therefore suggested that i t should be transformed into a permanent liaison body responsible for the administrative co-ordination indispensable between the organisations. This idea, as we saw earlier on, was also proposed by the Assembly.

At this point we must welcome the fact that although the Committee of Ministers has not gone so far, it has now agreed (Resolution (59) 16) to transform the Working Party into a Consultative Committee on the European Civil Service, with terms of reference which include the exercise of a consultative function at the disposal of Governments and organisations and seem likely to facilitate administrative co-operation between the organisations. Admittedly they have only been assigned for a trial period of three years, but we may venture to hope that the benefits of this change will have made themselves sufficiently felt by then to convince even the most sceptical.

#### *4.1.3. 7. Standardisation in four organisations*

It is worth noting within a more limited field, four organisations, the Council of Europe, O. E. E. C, N. A. T. O, and W. E. U., have just adopted a uniform system of staffgrading and salary scales. This system does not follow the proposals of the Working Party entirely but is conceived on the same lines —and can, of course, be improved upon later. Subject to these reservations, we welcome a development which clearly shows that it is possible to harmonise the staff regulations of the organisations.

#### *4.1.4. 8. Co-ordination between the Six*

As you know, the three Communities of the Six have decided to share the services of certain institutions in common : the Secretariat of the Councils, the Office of the Clerk of the Court of Justice and the Office of the Clerk of the European Parliamentary Assembly. This is an important decision which ought, it seems to me, to be supplemented by the adoption of a single set of administrative regulations for the staff of the three Communities. It seems, however, though, in fact, nothing has as yet been decided, that they are not going quite so far towards rationalisation; the two new Communities will have different staff regulations from those of the staff of E. G. S. C.

On this point therefore we have to admit to a partial defeat.

### **4.2. B . OBSTACLES**

9. As we have just seen therefore, all these, often noteworthy, efforts to bring about the formation of a true European Civil Service have still not achieved any decisive result. Partial results have been obtained, but there are still obstacles standing between the supporters of the European Civil Service and their ultimate goal

I will now discuss the sources of these obstacles in turn.

#### *4.2.1. 10. The States*

Our individual States, let us face the fact openly, are not yet sufficiently aware of the importance of the problem. They have inherited a time-honoured administrative tradition which has made them what they are and they, have with patient effort built up a civil service which is entirely dedicated to the public interest, held in high esteem and whose devotion to public service, loyalty and competence ensure the smooth running of the machinery of the State. Yet these same States, which ; have brought our European organisations into being and make large contributions to their budgets, show more reserve as soon as , there is any question of equipping these organisations with the body of officials so essential to them. Worse still, in certain national circles i there even seems to be hostility to the very idea of a European Civil Service; they take the i attitude that a post in one of our organisations as simply an interlude for a civil servant be tween two posts in Government departments, Even when they do not go as far as that, there is too often an attempt to supervise staff recruitment and to retain means of bringing pressure to bear. The States ought to realise that it is not in their true interests to carry over national rivalry into the organisations and that they themselves ought to help safeguard the complete independence of European civil servants. This is a fundamental premise without which nothing worthwhile can be accomplished.

It is time our Governments and their administrative departments became convinced , of these truths and we shall see further on I how parliamentarians can help them in this.

#### *4.2.2. 11. The organisations*

Strange as it may seem, since such an J attitude actually conflicts with their own true interests, the organisations are not entirely blameless as regards the slowness with which the idea of a European Civil Service is progressing, True, they have all shown their interest by I taking part in the work of the Working Party. Let it simply be noted that the results of this' work are not binding on them. This is a good thing, in so far as it is probably the only way to reach any conclusions, but it still remains for the latter to be acted upon—and this in the main is the responsibility of the organisations. I They, however, are too often over-jealous of their independence. It must be realised that no worthwhile co-operation can be achieved without the voluntary restriction of the exercise of such independence. Furthermore, every organisation has a natural tendency to shy away from change and to make a pretext of some alleged peculiarity to refuse to fall into line with the others. This attitude stems from an often erroneous feeling of superiority. Everyone must realise that this is being unrealistic and goes against the interests of the organisations themselves.

#### *4.2.3. 12. Public opinion*

A serious obstacle to the formation of a European Civil Service lies in the apathy, no doubt born of ignorance, of the general public in our countries. The public in fact knows little or nothing about the workings of the organisations. People imagine that they have inflated staffs, far from it; and two things are singled out for attention : salaries and privileges. It is understandable therefore that there should be certain feelings of envy and that any move to assure the staff of the organisations of a secure career should be badly received. Yet it is the very lack of a secure career and all its attendant advantages which amply justify a level of salaries that is sometimes higher than that of local officials. Furthermore, in view of the special difficulties of international work—and we know from experience t h a t they are very real—it is impossible to draw a strict comparison with similar work at the national level. This is not the place to go into the details of the problem but, clearly, something should be done to make the general public better informed. They should be told that rationalisation in the form of a European Civil Service would not, far from it, justify their apprehensions—even on the two points mentioned above. Indeed the report of the Working Party on the problem of the residential status of staff (Second Report—July 1958) made reasonable proposals in which there was no hint of a concern to maintain existing privileges.

### **5. V. Conclusions**

13. It remains to be decided, bearing all this in mind, what steps the Consultative Assembly can take and how it can help to further both the idea and the attainment of a European Civil Service.

14. Within the Council of Europe itself, the Committee of Ministers' resolution transforming the Working Party into a Consultative Committee on the European Civil Service for three years answers, at least for the time being, our main demands. No doubt later on it will be necessary to go still further, but in the meantime we must acknowledge that the Committee of Ministers have taken an important practical step in favour of the idea we are upholding.

15. Outside the Council, it is in our national Parliaments that we must take action; we must try to promote debates on the subject, to interest our colleagues and Governments and convince them of the importance and the urgency of the problem. Here the example of the Bundestag should serve as a model. At the close of a thorough discussion on 21st January 1959 the Bundestag adopted a recommendation urging the Federal Government to do everything in its power to see that a constitution and rules for the European Civil Service were drawn up without delay. If every Government were faced with a similar recommendation, there is no doubt that we should have gone a long way towards a European Civil Service.

16. On what particular points should we lay special emphasis :

Standard administrative regulations. This is one of the main tasks of the Consultative Committee and one on which it has already started work. The standard regulations will not apply to the staff of every organisation alike, as we have not reached that stage yet, but they will serve as model regulations, even if they are not fully applied anywhere, and will form a common denominator to which the organisations can turn in their work of bringing their present administrative regulations gradually into line.

The draft Recommendation at the head of this report, while reiterating the ideas expressed above, also calls attention to the following points :

- a. the need to standardise conditions of service;
- b. the importance of arriving at common and rational methods of recruitment. In this context I should like to draw attention to the advantages for the organisations of securing applications from European institutes which, whether they are public or private, afford a training that is particularly well suited to the requirements of the organisations. Proper recruiting methods, mainly based on the system of competitive examinations, would encourage these young men, to the greater advantage of the organisations, to apply more often for vacant posts;
- c. in the same connection, the recommendation emphasises the importance of collaboration between the organisations over training. On this point it is only necessary to follow the precepts laid down in the third Report of the Working Party and to put them into practice ;
- d. the Assembly has emphasised on several occasions how valuable some form of machinery for legal redress would be for the staff of organisations, and it can do no harm to repeat this once again;
- e. lastly, the staff of every organisation should have their interests and opinions properly represented in the Secretariats.