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COMMISSION DECISION

of 6.2.2014

amending the Rules on special advisers to the Commission (C(2007) 6655)

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THE EUROPEAN COMMISSION,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Articles 5, 123 and 124 of the Conditions of Employment,

Whereas:

- (1) More flexibility should be allowed with regard to the engagement of those special advisers who carry out tasks of an institutional nature for the Commission.
- (2) In addition, it should be made possible for the Commission to engage medical officers for the Medical Service with the status of special adviser under the Conditions of Employment of Other Servants. It is becoming increasingly difficult to engage medical officers as officials and temporary agents, notably because the salary levels of the possible entry grades seldom meet the expectations of experienced medical doctors. Moreover, the status of special adviser would enable medical officers to continue to exercise their profession part-time outside the Commission, in order to maintain a high level of medical expertise.
- (3) At a first stage, such engagements are only planned for the Medical Service in Luxembourg, where it is particularly difficult for the Commission to find qualified medical officers. In the light of the experience gathered, it could at a later stage be decided to engage medical advisers with the status of special adviser also in Brussels and/or Ispra.
- (4) To this end, the Commission Rules of 19 December 2007 on special advisers should be amended,

HAS DECIDED AS FOLLOWS:

Sole Article

The Rules of 19 December 2007 on special advisers to the Commission (C(2007) 6655) are amended as follows:

1. The second paragraph of point 2 is replaced by the following:
'Special advisers normally provide direct assistance to Members of the Commission. Special advisers who provide assistance to institutional bodies³ are administratively attached to the President or the Vice-President responsible for human resources or to the Director-General of the Directorate-General concerned.'
2. The text of footnote 3 is replaced by the following:
'Following appointment to senior posts in the interests of the institution, such as Chairman of the Financial Irregularities Panel, Chairman of the Disciplinary Board,

¹ OJ L 56, 4.3.1968, p.1.

external Member of the Audit Progress Committee or, as the case may be, Member of the ad hoc Ethical Committee foreseen by the Code of Conduct for Commissioners.'

3. The following points are added:

'9. SPECIFIC RULES FOR INSTITUTIONAL SPECIAL ADVISERS

The present Rules shall apply to special advisers who provide assistance to institutional bodies (institutional special advisers) with the following adaptations:

- (a) Where it is planned to attach an institutional special adviser to the Director-General of the Directorate-General concerned, the request form for the appointment and the statement of assurance of non-conflict of interest (Annex 4) shall be signed by this Director-General.
- (b) Without prejudice to specific provisions adopted by the Commission for the appointment to certain functions, the institutional special advisers shall be appointed by oral procedure (point 6) or by decision of the authority referred to in the first paragraph of Article 6 of the Conditions of Employment of Other Servants. The contracts shall be concluded for a term not exceeding two years and shall be renewable.
- (c) In duly substantiated cases, the authority responsible for the appointment may depart from the remuneration levels set out in point 7. In case of attachment to the Director-General of the Directorate-General concerned, the certificate for the payment of fees to special advisers shall be signed by this Director-General.

10. SPECIFIC RULES FOR SPECIAL ADVISERS PROVIDING ASSISTANCE TO THE MEDICAL SERVICES

By way of derogation from point 2, special advisers may be engaged to exercise the functions of medical officer (médecin-conseil) in the Medical Services of the Commission.

The present Rules shall apply to these special advisers with the following adaptations:

- (a) The special advisers shall be administratively attached to the Head of the Medical Service concerned. The request form for the appointment and the statement of assurance of non-conflict of interest (Annex 4) shall be signed by the Director in charge of the Medical Services.
- (b) The special advisers shall be appointed by oral procedure (point 6) or by decision of the authority referred to in the first paragraph of Article 6 of the Conditions of Employment of Other Servants. The contracts shall be concluded for a term not exceeding two years and shall be renewable.
- (c) The remuneration levels set out in point 7 shall apply to the special advisers of the Medical Services. However, in exceptional and duly substantiated cases, the authority responsible for the appointment may decide to set the amount of the fees per day of service at 1/22 of the basic salary of an official in the first step of grade AD 14. The certificate for the payment of fees to special advisers shall be signed by the Head of the Medical Service concerned.

- (d) In view of the medico-administrative character of the tasks performed by these special advisers, their sworn statements and curricula vitae shall not be posted on the Commission's Europa website.
- (e) In the framework of the examination of possible conflicts of interest under point 5, particular account shall be taken of the rules of professional ethics applying to physicians.'

Done at Brussels, 6.2.2014

For the Commission
Maroš ŠEFČOVIČ
Vice-President