The current legal status of accredited assistants to the European Parliament, also referred to as “APAs”, has been in place for 10 years. Yet, it has attracted very little academic attention. The most detailed academic account on this topic available is limited to four pages. The past decade has given ample evidence for some conclusions and evaluation of the efficiency, strengths and weaknesses of the legal status of the APA’s, and it has also provided room to compare its written wording to its actual implementation. The author believes that the legal status of APAs is worth studying since former APAs occupy high posts in national public administration (for instance the current Czech Minister of Foreign Affairs) or in the EU public administration (for instance a Member of the Cabinet of the Czech Commissioner in the EU).
Aims and methodology

The aim of this policy paper is to outline the basic characteristics of the contract between the European Parliament and the APAs, in theory and in practice, and to make recommendations for both the European Parliament administration to avoid fraud that can be caused to the EU budget by APAs, and for the Czech public administration to make use of the potential of experienced APAs. The author studied resources on the legal status of APAs in the European Parliament library as well as online. Thanks to the coordination efforts of the Brussels office of the EUROPEUM Institute for European Policy think-tank, the author was able to conduct multiple structured interviews with APAs in Brussels and Prague. Also, the author received three written replies to questions concerning the legal status of APAs by those who were unable to attend a structured interview in person. The combination of theoretical and practical inputs provides added value to this paper.

Structure of the paper

The author intends to discuss the written sources regulating the legal status of APAs and evaluate their application in practice. Subsequently, the paper will attempt to analyze the strengths and the weaknesses of the current regulation before ultimately concluding with policy recommendations aimed at both the European Parliament administration and the Czech Republic national administration.

Written sources of regulation

Until 2009, there were no uniform rules governing the legal status of APAs. Since the legal status of parliamentary assistants varied considerably despite similar tasks being exercised by all assistants, and due to a number of cases of fraud committed by Members of European Parliament (MEPs) when distributing their secretarial allowance to their assistants\(^1\), the European Parliament’s legal service was tasked to make an initial draft of the rules that would govern the exercise of the position of APAs. Following a heated political debate within the European Parliament, which took over ten years\(^1\), the new rules were adopted in 2009\(^4\). Detailed legally binding provisions on the status of APAs can be now be found in the Implementing Measures for Title VII of the Conditions of Employment of other Servants of the European Union as amended by the Bureau Decision of 14 April 2014\(^5\). The current wording of the legal framework applicable to APAs allows for their better legal protection and accounts for more transparency as the list of APAs is publicly available at the web page of the European Parliament, as part of the information provided about each MEP.\(^6\)

The European Parliament defines APAs as follows:

"Accredited parliamentary assistants (APAs) are chosen by a Member or a group of Members and employed under a direct contract with the European Parliament. They are based on Parliament’s premises, in one of its three places of work – Brussels, Strasbourg or Luxembourg – and assist Members directly in their work, under their direction and authority and on a basis of mutual trust.” Under the new


\(^4\) The new status of APAs required an amendment to the EU Staff Regulations which was adopted under the Czech Presidency in February 2009 to become effective as of the first day of the new parliamentary term. The corresponding amendment was incorporated in the Council Regulation (EC) No 160/2009 of 23 February 2009 amending the Conditions of Employment of Other Servants of the European Communities.

\(^5\) European Parliament Document No. PE 422.579/BUR

\(^6\) Apart from APAs, MEP may choose to have one or more local assistants. The legal status of local assistants has not been harmonized by EU law, so the mutual relations between the MEP and a local assistant are governed by the national law of the state of origin of the MEP where the local assistants work, either as self-employed or based on an employment contract.
legal status APAs are now formally employed by the European Parliament for the duration of their MEP’s mandate. Should the MEP’s mandate come to an end prematurely, for instance in the event of the MEP’s death, the contract between the APA and the European Parliament shall come to an end as well. If the MEP fails to be reelected, the redundant APA is entitled to receive an unemployment benefit for a period of time not exceeding one third of the duration of the contract with the European Parliament. The contract between the APA and the European Parliament is not renewed automatically if the MEP is reelected. To this end, the MEP concerned would have to apply for the renewal of the contract with an APA with the European Parliament administration.

The tasks and the remuneration of APAs vary considerably. There are 19 salary grades in which MEPs may wish to classify their APAs. The Implementing Measures referenced above provide some guidance as to how APAs shall be classified. Article 19(2) of the Implementing Measures reads as follows: “Assistants required principally to perform administrative support and secretarial duties, but also required to perform drafting and advisory duties, shall be classified in grades 1 to 13 (function group I). Assistance required principally to perform drafting and advisory duties, but also required to perform administrative support and secretarial duties, shall be classified in grades 7 to 19 (function group II).” Publicly available data show that the salary of grade 1 amounts to around 1800 EUR gross per month, whereas the monthly salary of an APAs classified in grade 19 amounts to around 8000 EUR gross. Most APAs in the parliamentary term between 2014 and 2019 have classified their APAs in grade 10, which is equivalent to a gross monthly salary of about 3800 EUR.

The selection procedure and qualification criteria for APAs

The parliamentary rules do not specify the selection procedure MEPs shall conduct in order to recruit their MEPs. The implementing rules simply states which persons do not qualify for the position of APAs due to their close family ties. These categories of persons include the spouses of MEPs, their stable non-marital partners, their parents, children, brothers and sisters. The Implementing Measures do not define the exact number of APAs each MEP shall have either. Yet, due to a shortage of offices in Brussels and Strasbourg and with the idea to provide for a quality working environment where an office should not be shared by too many people, an upper limit of a maximum of three APAs per MEP has been established. If some APAs work part time, their total number may be higher. Based on multiple structured interviews conducted with APAs in Brussels in April 2019 and in Prague in May 2019, in general, MEPs prefer to recruit candidates who have served as their trainees beforehand, prior to passing a demanding multi-level selection procedure to be selected as trainee. A minority of the interviewed APAs replied that they have been recruited based on recommendations made by colleagues of “their” MEP. When asked whether a membership in the same political party is essential for obtaining the position of an APA, most respondents were convinced that similar value beliefs play a much more essential role than a formal membership in a political party. What all interviewed APAs had in common was their excellent command of at least three official EU languages.

8 See Article 13(3) of the Implementing Measures.
language and previous experience with EU agenda, either as trainees with a MEP or as trainees at the European Parliament administration. Additionally, all interviewed APAs had a University degree, most often in Law, European Studies, International Relations, English, Communications and/or Economics.

The Implementing measures require APAs to provide evidence of having completed at least their secondary school studies and appropriate professional experience of at least three years for performing tasks of secretarial nature, and a University degree for exercising more specialized tasks is mandatory if the APAs are to be classified in grades 14 to 19. All APAs are authorized to attend professional trainings organized by the European Parliament (for instance about the functioning of the European Parliament, about the legislative process, on the procedure to table amendments to legislative and own initiative proposals), as well as language courses during their working hours.

Tasks, working hours and balance between work and private life

The Implementing Measures require MEPs to specify the working hours of their APAs in the assistant’s contract, however, usually MEPs do not keep any formal evidence of the hours worked. In practice, the work seems to be much more task-based. The tasks carried out by APAs are extremely varied. They include secretarial activities, drafting, networking, arranging meetings, participating in meetings, being in charge of the PR activities of the MEP, and organizing travel arrangements for the Strasbourg plenary session. APAs are expected to be ready to work overtime, especially ahead of the Strasbourg sessions or in preparation of a compromise wording of a report where their MEP is the rapporteur. Generally, APAs can be expected to work shorter Fridays if their MEPs leave for home on Thursday afternoon. As a high degree of flexibility is required, most APAs replied that reconciling work and looking after their family would be very difficult. Perhaps corollary to this, most APAs are young University graduates who do not yet have families and arguably have an easier, yet not necessarily unproblematic, time reconciling their work and private life. Nevertheless, APAs who have children can benefit from sending them to the Parliamentary crèche and to the European Schools, where their children can follow their studies in their own mother tongue as well.

With respect to annual leave, most MEPs are flexible when it comes to authorizing the annual leave of APAs. Since APAs usually accompany their MEPs to attend the Strasbourg plenary sessions of the European Parliament, they are generally encouraged not to go on holiday during the Strasbourg week and the week before due to a heavy workload. On the contrary, APAs are encouraged to use their annual leave in August when no plenary session of the European Parliament is organized, as well as during the so-called green weeks when the MEPs usually stay in their own constituencies. APAs are obliged to enter the data on their annual leave into a software application held by the European Parliament called Streamline to make sure they make use of their annual leave before the end of their contract.

Benefits of working as an APA

Once the APAs have served the six-month probationary period, they can count on a relatively stable employment contract, which ends with the end of term of their MEP. If the MEP concerned is reelected and both parties agree, the MEP can ask the parliamentary administration to renew the contract with the APA. If the MEP is not reelected, APAs are entitled to receive an unemployment benefit under certain conditions specified in the Conditions of Employment of Other Servants of the European Union. However, after serving one or two

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9 See Article 14 of the Implementing Measures.
10 See Article 17 of the Implementing Measures.
11 If a contract of an APA is renewed, the APA does not need to prove evidence of a clean criminal record nor does he or she need to undergo a medical exam again.
parliamentary terms, many experienced APAs, prefer to move on in their careers, either as EU officials if they manage to pass the tests organized by the European Personnel Selection Office (EPSO), or they occupy leading positions in their national public administration. To give the most prominent example, the current Czech foreign affairs minister used to be an APA in the past. All APAs can obtain an insider experience of the functioning of the EU institutions, which they can further disseminate in their future professional career. This insider experience may vary depending on the involvement of “their” MEP. If the MEP concerned is a president, or a vice-president of a parliamentary committee, or a rapporteur, APAs are likely to attend some extra meetings and learn even more about the legislative process behind the screen. Literature has provided evidence of a case where APAs have played a crucial role in organizing and participating in triilogue meetings leading to the adoption of a compromise legislative proposal. Furthermore, APAs are often the first ones to be approached by interest representatives (lobbyists) trying to convince the corresponding MEP of the importance and worthiness of the amendments they would like to table to legislative reports discussed by the European Parliament. APAs are often those who have to decide if the door to the MEPs office remains closed to the lobbyists or not. With respect to their contact with lobbyists, APAs are bound by ethics rules applicable to EU officials.

Weaknesses of the current status of APAs

Despite the stable working environment, there are still some issues which would merit the attention of the European Parliament should the current legal status of APAs be revised in the future. A limited number of APAs, especially from southern EU member states, have been reported to be absent from Brussels on a regular basis and only arrived in Brussels to sign their contract with the European Parliament. They may have been teleworking instead, but they have not applied for an authorization to telework. The current system of electronic badges enables the European Parliament administration to monitor the movement of APAs across the parliamentary premises in Brussels and Strasbourg without any extra costs, so if there is political will to determine which APAs are absent from Brussels on a long term basis, the means are already available.

Another way in which the status of APAs may be misused by MEPs is creating fictitious posts of APAs. This was particularly the case of the French nationalist MEP Marie la Pen. Fortunately, similar scandals were avoided by Czech MEPs.

Finally, the European Parliament was unable to prevent a case of psychological harassment of an APA. However, it started investigation into the practices of a

authority of an EU country (for Czech MEPs most likely the Czech one or the Belgian one if they wish to stay living in Brussels) and the EU unemployment fund will cover the difference between the national unemployment benefit and the one they would be entitled to under EU rules, which ranges between 2285.02 EUR and 971.13 EUR based on an internal European Parliament presentation circulated to APAs. When leaving the European Parliament, APAs are obliged to return their badges (electronic cards which authorize them to access the European Parliament buildings) and a special Belgium ID card (an equivalent for a residence permit).

14 For the ethics rules see Title II – Rights and Obligations of the Officials of the Staff Regulations.
15 An EU insider published this information in his/her blog saying that for diplomatic reasons OLAF is unlikely to conclude its investigations ahead of the 2019 elections to the European Parliament in order not to compromise the chances of the MEPs concerned to be reelected. For more details see https://www.neweurope.eu/article/kefalogiannis-the-audio-recording-and-the-emails-of-the-absent-accredited-parliamentary-assistants/
Portuguese MEP, who is part of the European Socialist Group\(^\text{17}\). Given the total number of APAs, which exceeds 1800 persons, these incidents are very rare.

**Conclusion/Policy recommendations**

Having outlined the current legal status of APAs, the author would like to make some policy recommendations resulting from this research.

Concerning the European Parliament administration, APAs being absent from Brussels breach their legal duties to work inside the Parliamentary building while they are recipients of EU funds. The European Parliament requires MEPs to state the working hours of APAs in their contracts. Since the European Parliament is the formal employer of APAs, it could monitor their presence in Brussels and/or Strasbourg by monitoring the use of their badges. This is not done routinely for officials, temporary agents and contract staff in the European Parliament, since their respective Heads of Unit keep evidence of their working hours. As no evidence of working hours is usually kept by MEPs, the monitoring of the use of badges seems proportional to the aim of the measure pursued, avoiding fraud on EU funds. Following whistleblowing to and investigations by OLAF, the European Parliament usually manages to recover the funds which were defrauded, but prevention would be cheaper and more efficient than repression.

With respect to the Czech public administration, the author would like to make a number of recommendations as well. Since obtaining the position of an APA is not entirely based on contacts, but rather on skills and competencies demonstrated during the selection procedure for trainees of MEPs, the Czech government could promote this position publicly since many experienced APAs are likely to bring their insider experience inside the Czech public administration later, contributing to disseminating better know-how about the real functioning of EU institutions. This can provide an invaluable help to the promotion of Czech interests in the EU institutions. The Czech public administration is also advised to use the potential of experienced APAs while recruiting experts for its upcoming EU presidency. The preparations for the 2022 Czech EU presidency are lagging behind, as no funds in the draft 2020 Czech budget seem to have been earmarked for this purpose\(^\text{18}\). Thus, once the preparations start seriously there will be very little time available to train newcomers on EU affairs. APAs may not necessarily require formal training on the functioning of the EU institutions due to having first-hand experience of how they work.

Also, many APAs pass the EPSO tests more easily than outsiders to EU affairs and start working for the EU public administration. Having obtained a first-hand experience of the Brussels bubble is an advantage when applying for the EPSO competition as the motivation to work for the EU can be demonstrated easily. Since Czech citizens continue to be underrepresented among EU officials in proportion to the population of the Czech Republic, advertising the possibility to apply for a position of an APA is incentivized also from a long-term perspective. Czech MEPS who are most likely to be the future superiors of Czech APAs have enjoyed a good reputation and have avoided both financial and psychological harassment scandals faced by a handful of MEPS of other EU nationalities. Thus, future Czech APAs working for a Czech MEP are likely to benefit from a stable and enjoyable working environment. The current number of 21 Czech MEPS is not going to change if Brexit is implemented in the future. The total number of APAs serving Czech MEPS in the parliamentary term between 2015 and 2019 is shown in Table 1 below.

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Acknowledgment

The author would like to thank the Brussels office of the EUROPEUM Institute for European Policy think-tank for providing her with a scholarship to conduct this research, for arranging meetings with APAs in order to hold structured interviews with them and for the opportunity to study relevant academic resources in the European Parliament library in Brussels.

Table 1. Overview of the number of APAs per Czech MEPs in alphabetical order.

<table>
<thead>
<tr>
<th>Name of MEP</th>
<th>Number of APAs</th>
<th>Name of MEP</th>
<th>Number of APAs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dita Charzanová</td>
<td>3</td>
<td>Stanislav Polčák*</td>
<td>2</td>
</tr>
<tr>
<td>Martina Dlabajová</td>
<td>3</td>
<td>Jiří Pospíšil*</td>
<td>3</td>
</tr>
<tr>
<td>Petr Ježek</td>
<td>3</td>
<td>Olga Sehnalová*</td>
<td>3</td>
</tr>
<tr>
<td>Jan Keller</td>
<td>2</td>
<td>Michaela Šojdrová</td>
<td>4</td>
</tr>
<tr>
<td>Jaromír Kohlíček</td>
<td>2</td>
<td>Jaromír Štětina*</td>
<td>3</td>
</tr>
<tr>
<td>Kateřina Konečná</td>
<td>2</td>
<td>Pavel Svoboda</td>
<td>2</td>
</tr>
<tr>
<td>Jiří Maštálka</td>
<td>1</td>
<td>Pavel Telička</td>
<td>3</td>
</tr>
<tr>
<td>Luděk Niedermayer*</td>
<td>2</td>
<td>Evžen Tošenovský</td>
<td>2</td>
</tr>
<tr>
<td>Jiří Payne</td>
<td>2</td>
<td>Jan Zahradil</td>
<td>3</td>
</tr>
<tr>
<td>Pavel Poc*</td>
<td>4</td>
<td>Tomáš Zdechovský*</td>
<td>3</td>
</tr>
<tr>
<td>Miroslav Poche*</td>
<td>3</td>
<td><strong>Total number of APAs serving Czech MEPs</strong></td>
<td><strong>52 ad personam</strong> and <strong>3 assigned to political groups</strong></td>
</tr>
</tbody>
</table>

* MEPs marked with an asterisk can also make use of an APA assigned to the political group their national party has joined at the EU level

Source: Own compilation of data available at the official website of the European Parliament as of 13 May 2019.