



Parlamentul României

Camera Deputaților

Senat

București, 18.07.2014
Nr. 2/3583

APROBAT
În sesiunea comună a Birourilor permanente
ale Camerei Deputaților și Senatului
din data de 16.09.2014

MEMORANDUM INTERN

De la: Cristian Adrian Panciu, Secretar general al Camerei Deputaților
Ion Vărgău, Secretar general al Senatului

Către: Birourile permanente reunite ale Camerei Deputaților și Senatului

Tema: Co-finanțarea ofițerului de legătură al IPEX pentru perioada 2015-2016

Secretarul general al Seimasului lituanian, domnul Jonas Milerius, a adresat Secretarilor generali ai Camerei Deputaților și Senatului invitația de a transmite, până la data de 26 septembrie 2014, acordul Parlamentului României de a continua să contribuie la finanțarea ofițerului de legătură al Biroului UE pentru schimburi de informație interparlamentară (IPEX) în anii 2015 și 2016.

IPEX reprezintă o platformă electronică destinată schimbului de informații între parlamentele statelor membre ale Uniunii Europene, având ca scop sprijinirea cooperării parlamentare. Prin intermediul platformei IPEX, parlamentele naționale urmăresc în timp real procesul de examinare a documentelor Uniunii Europene, a informațiilor privind abordarea propunerilor legislative și a inițiativelor europene și se informează reciproc cu privire la procedurile parlamentare din domeniul afacerilor europene.

De la lansarea proiectului IPEX, parlamentele participante la această platformă au finanțat plata unui funcționar care să asigure actualizarea site-ului IPEX.eu, să coordoneze și să pregătească corespondenții IPEX din fiecare parlament național.

Parlamentul României a contribuit la finanțarea ofițerului de legătură al IPEX începând cu anul 2009.

Suma maximă de plată aferentă fiecărui stat membru este de 4.667 euro pe an, cuantumul exact al contribuției fiind determinat prin împărțirea în mod egal a întregii sume (care nu va fi mai mare de 70.000 euro pe an) la numărul statelor contribuitoare.

Propunem:

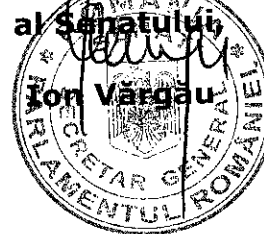
- să se aprobe încheierea angajamentului de plată a contribuției financiare a Parlamentului României la co-finanțarea ofițerului de legătură al IPEX pentru anii 2015 și 2016 ;
- contribuția financiară, conform principiului rotației stabilit între Camera Deputaților și Senat în ceea ce privește plata cotizațiilor la organizațiile parlamentare internaționale să fie achitată integral pentru anul 2015 din bugetul Camerei Deputaților, iar pentru anul 2016 să fie achitată integral din bugetul Senatului.

**Secretar general
al Camerei Deputaților,**

Cristian Adrian Panciu



**Secretar general
al Senatului,**



**SCRISOARE DE INTENȚIE
PENTRU PARTICIPAREA LA CO-FINANȚAREA OFIȚERULUI DE LEGĂTURĂ
IPEX (IPEX INFORMATION OFFICER)
PENTRU ANII 2015 ȘI 2016**

În numele

Parlamentului României,

Doresc să vă informez privitor la angajamentul Camerei Deputaților de a participa la co-finanțarea ofițerului de legătură IPEX pentru anii 2015 și 2016. Acest angajament este în conformitate cu condițiile specificate mai jos.

1. Obligația de a plăti o parte a costurilor de întreținere pentru ofițerului de legătură IPEX de la 1 ianuarie 2015 până la 31 decembrie 2016. Secretarii generali au fost informați în legătură cu faptul că aceste costuri ce trebuiesc împărțite în mod egal între toate parlamentele participante.
2. Obligația este valabilă doar dacă parlamentele naționale a cel puțin 15 state membre își iau acest angajament. În această privință, statele membre cu parlamente unicamerale vor fi contabilizate doar ca 0,5.
3. Costurile totale (ce vor include salariul și costurile aferente deplasărilor) nu ar trebui să depășească suma de 70.000 euro pe an. Contribuția maximă ce va reveni fiecărui parlament participant va fi de 4.667 euro pe an (parlamentele bicamerale pot împărți contribuția între cele două Camere – permițând fiecărei Camere plata unei părți a acesteia)¹.
4. Scrisoarea de intenție trebuie trimisă Senatului belgian nu mai târziu de 26 septembrie 2014.
5. Factura va fi trimisă de către Senatul belgian parlamentelor participante la începutul fiecărui an, iar contribuția va fi plătită retroactiv, spre exemplu, prima factură pentru anul 2015 va fi trimisă de către Senatul belgian la începutul anului 2016. Factura va include atestarea faptului că sumele au fost justificate și auditate conform reglementărilor aplicabile Senatului belgian.
6. Contribuția va fi trimisă Senatului belgian care este răspunzător pentru administrarea postului începând cu 1 ianuarie 2015.

Data:.....

Semnătură:.....

Funcția: Secretarul General al Camerei Deputaților

Data:.....

Semnătură:.....

Funcția: Secretarul General al Senatului

Parlamentul României

¹ Este de dorit ca parlamentele bicamerale să își asume obligația de plată împreună – în orice formă le este convenabilă.

**SAMPLE LETTER OF INTENT
TO PARTICIPATE IN THE CO-FINANCING OF THE IPEX INFORMATION OFFICER
FOR THE YEARS 2015 AND 2016**

On behalf of

.....[Parliament/Chamber]

I wish to indicate that our Parliament/Chamber is prepared to take part in the co-financing of the IPEX Information Officer for the years 2015 and 2016. This undertaking is subject to the conditions specified below:

1. The commitment is to pay a share of the cost of maintaining the IPEX Information Officer from 1 January 2015 until 31 December 2016. The Secretaries General are aware that the co-financing of the costs of the IPEX Information Officer should be shared equally amongst all participating Parliaments.
2. The commitment is valid only if the national Parliaments of at least fifteen Member States make the same commitment. In this regard Member States where only one Chamber participates shall be counted as 0.5.
3. The total employment costs (encompassing the wage and travel expenses) should not exceed € 70.000 per year. The maximum contribution per participating Parliament shall be € 4.667 per year (bicameral Parliaments may divide their contribution between the two Chambers - allowing each Chamber to pay a portion of the contribution).¹
4. This letter of intent should be sent to the Belgian Senate no later than 26 September 2014.
5. The bills shall be sent by the Belgian Senate to the participating Parliaments at the beginning of each year and the contributions would be paid retrospectively, i.e. the first bill for 2015 shall be sent by the Belgian Senate at the beginning of 2016. The bill shall include certification that the expenditure has been accounted for and audited according to the rules applicable to the Belgian Senate.
6. The contribution shall be sent to the Belgian Senate which is responsible for the administration of the post as of 1 January 2015.

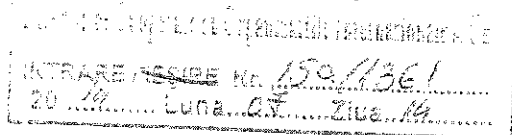
Date:

Signature:

Title:

Parliament/Chamber:

(1) It is desirable that bicameral Parliaments make their commitment jointly — in whatever form is most convenient to them.

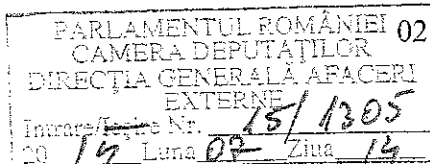


D.G.A.E
Zilly

LIETUVOS RESPUBLIKOS SEIMO KANCELIARIJA
OFFICE OF THE SEIMAS OF THE REPUBLIC OF LITHUANIA

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Mr Cristian Adrian PANCIU
Secretary General of the
Romanian Chamber of Deputies



July 2014, No. S-2014-5482

Ben-CT
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Dear Colleague,

As Chair of the IPEX Board, I would like to inform you that the Board met on 27 June 2014 in Vilnius. Following the decision adopted during the meeting of the Secretaries General of the EU Parliaments on 27 January 2014 in Vilnius, the IPEX Board approved the proposal prepared by the working group set up for this purpose on the hiring procedure of the IPEX Information Officer for the 2015-2016 period.

According to the proposed procedure, an employment contract with the current IPEX Information Officer, Mr Calin RACOTI, would be concluded by the Belgian Senate as of 1 January 2015. The costs of employment would be shared by all participating national Parliaments in equal parts retrospectively, i.e. the first bill will be sent by the Belgian Senate at the beginning of 2016 for the expenses incurred in 2015. The commitment to take part in the co-financing will only be valid if national Parliaments of at least fifteen Member States make the same commitment. The total employment costs (encompassing the wage and travel expenses) would not exceed € 70,000 per year. The maximum contribution per participating national Parliament would be € 4,667 per year.

The detailed proposal including the composition of the working group and a sample of the letter of intent is enclosed to this letter. I would kindly ask you to send a reply addressed to the Seimas of the Republic of Lithuania confirming your approval with the identified legal and functional framework for the hiring and daily administration of the IPEX Information Officer **by 26 September 2014**. In case we do not receive your explicit agreement before 26 September 2014, we will consider that you agree to the proposed procedure.

I would also kindly ask you to send your signed letter of intent directly to the Belgian Senate with a copy to the Seimas as Chair of the IPEX Board **no later than 26 September 2014**.

On behalf of the IPEX Board I would like to thank you in advance for your cooperation and contribution to ensure smooth functioning and further development of IPEX.

Sincerely,

Jonas Milerius

Secretary General of the Seimas
of the Republic of Lithuania
Chair of the IPEX Board

Working Group on the hiring process of the IPEX Information Officer

Proposal (27 June 2014)

1. Introduction

The contract with the current IPEX Information Officer, Mr Calin RACOTI, expires on 31 December 2014. During an informal meeting of some Secretaries General of the Parliaments, which are members of the IPEX Board (in the margin of the Conference of Speakers of EU Parliaments on 7 April 2014 in Vilnius), a majority of the Secretaries General expressed the wish to continue the collaboration with Mr RACOTI. The Secretary General of the Belgian Senate proposed to clarify the possibility of concluding an employment contract with the current IPEX Information Officer by the Belgian Senate.

During the Board meeting on 25 April 2014 in Vilnius, the Belgian Senate informed the Board that the Belgian Senate had a legal basis to employ the IPEX Information Officer, but some extensive research on the engagement had still to be done. The Board decided to establish a Working Group charged with the preparation of a proposal on the hiring process of the IPEX Information Officer.

The proposal set out below first considers some important issues that have already been mentioned during the Board meeting (such as the selection procedure, wage scale, type of contract, etc.). The conclusion contains the final proposal of the Working Group with a clear choice concerning the procedure and the issue of the wage scale still to be discussed.

2. Legal basis and the selection procedure under the Belgian labour law

A statutory engagement, *i.e.* a permanent engagement until retirement age, which is the most common engagement in the public sector, is not suitable in this case. Therefore, the Belgian Senate proposes an engagement under the Belgian private labour law.

Whereas a call for candidates and a selection procedure would be mandatory for a statutory engagement, no selection procedure is required for employment under the private sector labour law.

3. Length of term

Under the Belgian labour law, employment contracts can be concluded for a fixed term or for a non-fixed term.

Successive employment contracts for a fixed term are legally considered to constitute employment for a non-fixed term. Successive employment contracts for a fixed term are admissible if the nature

of the work justifies it, provided there are no more than 4 successive renewals for a total maximum term of 2 years. This is not an option in this case.

Employment contracts for a non-fixed term can be terminated at any time with due notice. The required period of notice depends on the period the employee has been in office. It ranges from two weeks, for an employee who has been in office for maximum 3 months, to eleven weeks for a term of office of maximum 2 years, twelve weeks for a term of office of maximum 3 years, thirteen weeks for a term of office of maximum 4 years, etc., when employment is terminated by the employer. When the contract is terminated by the employee, the notice to be given is one half of the notice to be given by the employer (law of 3 July 1978, Art. 37 – 37.2).

The termination of the employment contract has to be motivated. The motivation relates in general in the (non-) execution of the contract by one of the parties, but could also be related to the fact that the employer no longer wants to pursue the work for which the employee was hired.

When the employment contract is concluded for a fixed term, the party that wants to terminate it before its term has to pay to the other party a compensation which is equal to the notice that would have been required if the engagement had been concluded for a non-fixed term when the contract is terminated in the first six months. When the contract is terminated after the initial six months, the compensation is equal to the salary for the period left to the term, with a maximum of twice the notice that would have been required if the contract had been concluded for a non-fixed term (Art. 40).

Taking into account these elements, the Belgian Senate proposes a contract for a non-fixed term.

4. Wage scale and the contributions of national Parliaments

The wage scales of the statutory employees of the Belgian Senate are specific scales taking into account specific working conditions such as language requirement, irregular working days and hours, etc. They are therefore higher than the average salaries on the labour market, and cannot be transposed easily to the working conditions of the IPEX Information Officer. The gross wage of a statutory Senate employee with a university degree and who has been in office for 4 years would be +/- € 66,000, the total cost for the Senate +/- € 70,000.

The Senate also has wage scales for the employees of the political groups, who are engaged under private labour law rules. The total cost, if these scales are applied, would be +/- € 75,000.

However, nothing excludes the possibility, for the Belgian Senate, to apply neither one of those wage scales, but to continue applying the current wage scale (consequences for the net wage to be verified) of the IPEX Information Officer if that would be the wish of the IPEX Board.

Moreover, travel expenses should also be covered by the contributions of the national Parliaments. As a consequence, the current contributions would slightly increase.

5. Conclusion

The Working Group suggests the Belgian Senate concluding an employment contract with the current IPEX Information Officer, Mr Calin RACOTI as of 1 January 2015:

- under private Belgian labour law regime;
- without any selection procedure;
- for a non-fixed term;
- with the preservation of the current net wage of the IPEX Information Officer; the travel expenses due to business trips of the IPEX Information Officer will be added to the salary and shared among the contributing national Parliaments; the total employment costs (encompassing the wage and travel expenses) should not exceed € 70,000 per year;
- The commitment to take part in the co-financing is valid only if national Parliaments of at least fifteen Member States make a similar commitment. The maximum contribution per national Parliament is € 4,667 per year.

Based on past experience, it is proposed that a letter of intent, covering a period of two years and indicating the commitment to participate in the co-financing of the IPEX Information Officer, would be sent by all participating national Parliaments of the European Union to the Belgian Senate no later than 26 September 2014. The costs will be shared in equal parts by the participating national Parliaments. The bills shall be sent by the Belgian Senate at the beginning of each year and the contributions would be paid retrospectively, i.e. for the previous year. The bill shall include certification that the expenditure has been accounted for and audited according to the rules applicable to the Belgian Senate.

After the approval of this proposal by all national Parliaments, the Belgian Senate will take the necessary steps to start the hiring process of the IPEX Information Officer in order to assure the continuity of his work.

Composition of the Working Group

1. Ms Iuna SADAT (Belgian Senate, the Chair),
2. Ms Loreta RAULINAITYTĖ (Lithuanian Seimas),
3. Ms Maria João COSTA (Portuguese Assembly of the Republic),
4. Ms Alexandra GRAÇA (Portuguese Assembly of the Republic),
5. Mr Yiannis TSAGADOPOULOS (Hellenic Parliament),
6. Ms Dana-Iulia VASILIU (Romanian Chamber of Deputies),
7. Ms Christine VERGER (European Parliament),
8. Ms Birgit VON PFLUG (German Bundestag).

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