



Syndicat du Personnel des Institutions Européennes
Le Secrétariat "Politique"

Bruxelles, 22/02/2013

Dear Fernando and Colleagues from Generation 2004,

I refer to your letter of 14th November 2012 to the Permanent Representations of the Member States that we have recently received, regarding the discrimination of post-2004 officials and your proposed measures on how to address these inequalities within the proposed Reform.

On behalf of R&D, and being in charge of our post-2004 dossier, I would like to share with you our comments, in this open letter.

Firstly, I wish to highlight that repairing the inequalities created by the 2004 Staff Regulations has been an important policy of R&D since the time of that Reform. R&D has tried to correct them by all legal means, principally the Court of Justice (Centeno-Medavilla case) in 2006 and the Court of Human Rights, in Strasbourg in 2012. R&D supported the financial costs of going to Court for many members of GEN2004!

Disappointingly, these legal measures didn't work. But immediately afterwards R&D embarked on a strategy to address the 2004 inequalities, by internal measures including *inter alia* accelerated promotions and internal competitions.

In this respect, we note your refusal of the current proposal of DG HR regarding the internal competitions. DG HR's proposal is also not acceptable to R&D. In particular, we strongly disagree with the small number of posts on offer, the non-transparent selection procedures for AD 10-12 advisers, and the fact that for ASTs, only access to AST 4 is possible.

In fact, like you we are deeply surprised that such blurred and subjective procedures have even been proposed by an Institution that should pride itself on promoting transparency and fairness in the access to the public service.

Looking ahead, we are convinced of the need for a serious technical analysis in order to check the conditions on how internal competitions could start correcting the prejudice to post-2004 colleagues without putting in danger the budget for future promotions. In this regard, we need to continue working together, and with all the other OSPs, to address our common position to DG HR and VP Šefčovič.

Secondly, in challenging the negative consequences of the 2004 Reform and risks related to the current reform of the Staff Regulations, we believe that it is essential to promote **mutual respect** between younger and older generations among the EU staff.

In particular we, at R&D, strictly respect **the principle of 'acquired rights'** and believe that it is in the vital interest of **all** EU officials to defend this principle by all legal means from social dialogue up to and including, long-lasting and efficient protests if necessary.

Moreover, R&D believes, that enforcing this principle is also in the long-term interests of post-2004 officials, taking into consideration the plans, currently envisaged, to change the Staff Regulations.

Third, the European Commission and the European Parliament have so far been strictly against any cuts in salaries, expatriation allowances and pensions. R&D supports this position and considers that we must avoid giving the impression of lack of unity among the EU staff that could weaken both the unions' and the Commission's bargaining power and our ability to take appropriate strong, efficient and legally-permissible action.

Turning to the option of amending the Staff Regulations with the 'help' of the Council, as proposed in your letter, and in light of the December 2012 progress report of the Council on the reform of the Staff Regulations, our opinion is that the measures recommended by the Council intend, in fact, **to shift the costs of the proposed reform onto the younger generation of the EU staff** by means of a possible transition period. For instance, its suggestions for an average career salary as a basis for calculation of our pension; the removal of exemptions to the solidarity levy (notably the exemption corresponding to the basic salary of an official at grade 1 step 1) or limiting career progression.

In this respect, R&D is strictly against those proposals which **would primarily penalise younger colleagues across the board**. R&D has been fighting, and will continue to fight to safeguard the acquired rights, especially in relation to **career, salary and pensions** of **all** EU staff. Isolated and uncoordinated actions could undermine this fight, ending up to the detriment of all.

Likewise, it not accurate to state that the younger EU staff only subsidise the pre-2004 pension arrangements and shows in our opinion a fundamental misunderstanding of the nature of the Pension Scheme.

It is important to recall that the pension scheme of officials and other servants of the European Union, functions as a notional fund with defined benefits. Therefore, the new pension expenditure due to a staff member retiring today has already been paid for in the form of the pension contributions paid during that staff member's period of service, and their pension entitlements that will have to be paid from the moment of retirement are covered by the pension liability.

In this regard, R&D is strictly against any changes in the related articles of the Staff Regulations and argues firmly for the stability and continuity of our COMMON pension scheme, and against taking any isolated initiatives in this regard.

We are all in this together!

Given these common challenges that we face, and in order to clarify all doubts and to assure full transparency, R&D suggests organising together with experts of GEN 2004, an **open workshop** aiming at exchanging views in this regard, raising awareness among the EU officials and developing a **common position** on these crucial issues.

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In the opinion of R&D, the following principles should be applied within current discussion on the Staff Regulations:

- **Strict and long-term respect for ‘acquired rights’**
- **Temporary nature** of the prospective financial solidarity with EU citizens due to the **temporary nature** of the crisis;
- **Inter-generational solidarity, social justice and fairness in order** to avoid exclusive ‘double penalizing’ in two consecutive reforms.

Further, we must ensure that the **non-permanent EU staff** will avoid being the first victims of the next reform, and that the EU becomes attractive again to candidates from all Member States. In this regard, R&D would like to emphasize the schizophrenia between the politically driven necessity to limit employment within the EU Institutions and the reality that numerous services are already too under-resourced to implement new articles of the Lisbon Treaty.

We would also like to draw your attention to who were responsible for the 2004 Staff Regulations reform - at any level - that you now, and quite rightly, denounce. We trust that you will come to the relevant and appropriate political conclusions also concerning your "trust" in the Council.

Finally, R&D confirms its willingness to work with Generation 2004 and with all organizations representing the staff, having the spirit of respect between generations and the unity of all the staff of the EU institutions, on whose behalf, and for whom, we act as the mandatory common denominator.

Secrétaire Politique R&D

Maria Glowacz - de Chevilly

(signé)

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