



Brexit: is my job at risk?

British EU officials are wondering: what will happen in case of a victory of the Out camp in the referendum of June 2016? U4U shares the concerns of our British colleagues. As a principle, we consider that our British colleagues are primarily European citizens, who should continue to be part of our work community.

This paper tries to synthesize as clearly as possible what we can say today on this subject.

First of all, this is uncharted territory, there are no precedents (the case of colleagues being recruited for the failed Norwegian integration being quite different) and furthermore it will be a highly political process. However, we may expect that things will go as smoothly as possible because, even after a Brexit, the UK will still be an important partner of the other EU Member States. Therefore, we can hope for a low level of mutual acrimony and no petty retaliations from either side.

Naturally, the fate of EU Staff will not be a top priority of what will probably be a heavy agenda. We should distinguish between different aspects:

- Civil servants, contract agents, temporary agents having been appointed before the Brexit, are lawfully appointed according to the rules applicable at the time and therefore, their appointment or contract is valid and should continue its natural term. Of course, pension rights and other allowances acquired by virtue of these are equally valid. U4U deems that these costs should be borne by the EU budget irrespective of the negative outcome of the British vote.
- The employer could however decide to use some clauses of the Staff regulations such as the 'early retirement' (art 42c), 'compulsory resignation' (art 49, which makes an explicit reference to the loss of the citizenship mentioned in art. 28(a) as a condition for appointment) or the 'retirement in the interests of the service' (art 50). This is even likely because the remaining Member States will probably expect that the EU institutions adapt to the resultant reductions of budgets, of missions and geographical scope.
- Non-civil servants (Commissioners, Seconded national experts, MEPs and their parliamentary assistants ...) may on the contrary expect that their contract or functions be discontinued during the two-year negotiation phase foreseen by the Treaty (which may last longer). Whether it would be at the beginning or at the end of this phase, no one knows. Director generals would have to leave their functions during the same period, but could find less prominent roles (counselors, experts...).
- Work in a delegation will not be possible anymore (due to the Vienna Convention), therefore a phasing out of British staff serving abroad will have to be organized (mobility back to HQ).

Of course, if the Brexit is voted, U4U will closely monitor the situation with a view to ensuring that all be fairly treated, in accordance with the applicable legal principles. In this case, U4U will publish regular updates, to ensure full transparency.

Let's recall that U4U has advocated that the United Kingdom is and should remain an essential full member of the EU. We believe in a strong European integration process avoiding opt-outs. U4U opposes the agreement reached in February 2016 in the European Council because we consider that the true question is not about a special status for the UK but how the EU can deliver solutions that meet effectively the concerns and the needs of all EU citizens.