



EUROPEAN COMMISSION

Common Staff Committee of the Executive Agencies

Staff Committee of CHAFEA
Staff Committee of EACEA
Staff Committee of EASME
Staff Committee of ERCEA
Staff Committee of INEA
Staff Committee of REA

Brussels, 28 April 2020
Luxembourg, 28 April 2020

OPEN LETTER TO DR VON DER LEYEN, PRESIDENT OF THE EUROPEAN COMMISSION AND TO DR HAHN, COMMISSIONER FOR BUDGET AND ADMINISTRATION

Subject: Proposal to close the Consumers, Health, Agriculture and Food Executive Agency (CHAFEA) in Luxembourg and situation in all six Executive Agencies of the European Commission in the context of the current reorganisation

Dear President von der Leyen,
Dear Commissioner Hahn,

We are writing to you, Dr von der Leyen, as the President of the European Commission, as a Medical Doctor, and as a Public Health Specialist.

We are writing to you, Dr Hahn, as Commissioner for Budget and Administration, as responsible for staff matters in the Commission and also in the Executive Agencies.

We, the staff in the CONSUMERS, HEALTH, AGRICULTURE and FOOD EXECUTIVE AGENCY (CHAFEA) in Luxembourg.

We, the staff in the other Executive Agencies, being the RESEARCH EXECUTIVE AGENCY (REA), the EXECUTIVE AGENCY FOR SMALL AND MEDIUM-SIZED ENTERPRISES (EASME), EDUCATION, AUDIOVISUAL AND CULTURE EXECUTIVE AGENCY (EACEA), INNOVATION AND NETWORKS EXECUTIVE AGENCY (INEA), and THE EUROPEAN RESEARCH COUNCIL EXECUTIVE AGENCY (ERCEA), all located in Brussels.

We all value your principles *“that people need to be at the very centre of all our policies. ... and that it is only together that we can build our Union of tomorrow.”*¹

Unfortunately, these wise words are currently being ignored due to the announced closure of CHAFEA and the relocation of its programmes and staff to other Executive Agencies in Brussels, **with no form of social dialogue or consultation** with the staff representatives or any staff involved. The announcement of the closing of CHAFEA

¹ https://ec.europa.eu/info/publications/commissions-contribution-shaping-conference-future-europe_en

came as complete surprise to its staff, and at a time when the colleagues involved are isolated at home already dealing with an unprecedented crisis.

CHAFEA is an Executive Agency, in existence since 2005. Among other actions and programmes, CHAFEA implements three of the EU Health Programmes for the Commission, one of the major instruments for the Commission's Health Strategy implementation. CHAFEA staff implements projects together with Member State authorities to combat communicable and chronic diseases. This includes projects, which are working towards combatting the current COVID-19 crisis. Furthermore, CHAFEA colleagues serve as the "corporate expertise" and "corporate memory" in project and programme management for units in the parent Directorates.

The option of closing CHAFEA has never been openly discussed. In fact the management, the steering committee and parent DG, have assured the staff about the development of the Agency with addition of new programmes to manage. Currently, 80 highly experienced colleagues are confronted, on a relatively short notice, with an uncertainty about their jobs and are being forced to move their life and residency 200 kilometres away. Needless to say, this is not a practical solution for all staff.

Additionally, *the decision to close CHAFEA without any social dialogue does not only effects CHAFEA staff, but also the staff of all other Executive Agencies.* The current developments are confronting the staff with the possibility, at some point in the future, of potentially having to pack up their life and move elsewhere, or lose their jobs, and this without any form of consultation or consideration for the staff. This puts a lot of pressure and concerns in the minds of **all staff** of the Executive Agencies. We, the approximate 3,000 dedicated employees of the Executive Agencies, are working daily to make sure that all European programmes entrusted to the Executive Agencies are diligently and very professionally implemented. We believe that we do not deserve to be treated in such a disrespectful and arbitrary manner.

There has been a complete absence of social dialogue in this process. After years of inexistence of any social dialogue within the Executive Agencies, on 23 January 2020 all six Executive Agencies Directors signed a Memorandum of Understanding defining the modalities and procedures of interaction between The Executive Agencies and The Trade Unions and Staff Associations (see attached).

Article 2 of this Memorandum of Understanding stipulates that *Executive Agencies recognise the role and responsibility of the Trade Unions and Staff Associations that represent the Agencies' staff by involving them, where possible, in a transparent and effective manner.* This agreement stipulates that any decision concerning staff must first be discussed with staff representatives. The Director of CHAFEA is a signatory of this agreement, and her signature is a commitment on CHAFEA's part.

Article 5 of this Memorandum of Understanding stipulates that *the Executive Agencies undertake to hold at least two meetings yearly to discuss pertinent issues for the benefit of the staff of the Executive Agencies with the Trade Unions and Staff Associations. [...] A representation of the Common Staff Committee and the Executive Agency Staff Committees shall be invited as observers to these meetings.* Up to now, no meetings have been convened to discuss any of the changes the Executive Agencies are facing.

This Memorandum is only three months old and it has been already disrespected. The way this decision is being taken obviously disregards these primary engagements. It may very well lead to Trade Unions and Staff Associations envisaging any type of action,

including potentially serving a notice of an interruption of service (strike) as mentioned in Article 10 of the Memorandum of Understanding.

Even the grounds of the upcoming decision are questionable. A cost-benefit analysis is referred to. The decision for closure seems to be based on this CBA, which has never been presented nor explained, either to the staff of CHAFEA, its Staff Committee, Common Staff Committee or Trade Unions and Staff Associations. Comparing the very specific grants and procurements with the small budgets that CHAFEA has implemented for the Commission in the field of public health, consumer protection, food safety and agricultural products promotion cannot be compared with the large budget actions in the priority fields of research and economy. Nevertheless, as we see in the current COVID-19 crisis, these actions are necessary and, given the small budget, very effective.

Furthermore, the argument of proximity, that an Executive Agency can only be effective if located in Brussels, is against the European Values of its Member States. The regulatory agencies are spread over the European Member States, and the policy Directorate for public health is in Luxembourg. Lastly, moving about 80 colleagues and their families to Brussels could endanger business continuity of the current and new programmes, and cannot be cost efficient.

Therefore, we kindly ask you to reconsider the proposal of closing CHAFEA and to discuss alternative proposals with the relevant Directorates, also in the light of the all new Health Programme proposal and the potential role of CHAFEA in its implementation. Additionally, **we ask you to make sure that a proper social dialogue is conducted before taking any final decisions**, and include also the relevant parties which will undergo major programme shifting between Executive Agencies.

If such options would not be possible, we request that you offer the opportunity of choice for our Luxemburg colleagues to be integrated into other Commission services located in Luxemburg. It is one thing to transfer programmes across agencies in Brussels and have colleagues change their daily commute, but to force them to change country with just over six months' notice in a world pandemic emergency is really something else!

The Common Staff Committee (Executive Agencies)

The CHAFEA staff committee

The EACEA staff committee

The EASME staff committee

The ERCEA staff committee

The INEA staff committee

The REA staff committee

CC:

- Director-Generals
- Six Directors of EA
- Trade Unions and Staff Associations
- Six Executive Agency Staff Committees
- Common Staff Committee (Executive Agencies)

Attachment: Memorandum of Understanding Concerning the modalities and procedures of interaction between The Executive Agencies and The Trade Unions and Staff Associations, signed on 23 January 2020

MEMORANDUM OF UNDERSTANDING
CONCERNING THE MODALITIES AND PROCEDURES OF INTERACTION
BETWEEN THE EXECUTIVE AGENCIES AND THE TRADE UNIONS AND STAFF ASSOCIATIONS

The Consumer, Health and Food Executive Agency, Education, Audiovisual and Culture Executive Agency, European Research Council Executive Agency, Executive Agency for Small and Medium-Sized Enterprises, Innovation and Networks Executive Agency and the Research Executive Agency,

Hereinafter collectively referred to as the Executive Agencies

And

The representative TRADE UNION and STAFF ASSOCIATIONS;

Having regard to Articles 27 and 28 of the European Charter of Fundamental Rights;

Having regard to Articles 10c and 24b of the Staff Regulations of Officials of the European Union;

Having regard to Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union;

Having regard to Articles 7(2) and 11(6) of Council Regulation (EC) No 58/2003 laying down the statute for Executive Agencies;

WHEREAS there is a shared interest of the Executive Agencies and the Trade Union and Staff Associations to explore ways of collaborating for the benefit and wellbeing of the staff of the Executive Agencies,

WHEREAS the Trade Unions and Staff Associations as recognised by the European Commission represent a valid partner for discussion with the Executive Agencies,

WHEREAS it is important that the modalities and procedures of interaction are drawn so as to ensure a smooth collaboration,

HAVE AGREED TO THE FOLLOWING:

1. The parties to this Memorandum confirm their support for the freedom of association as laid down under Articles 27 and 28 of the Charter of Fundamental Rights.



2. The Executive Agencies recognise the role and responsibility of the Trade Unions and Staff Associations that represent the Agencies' staff by involving them, where possible, in a transparent and effective manner.
3. The provisions of this Memorandum do not alter in any way the rights and status of the Executive Agency Staff Committees.
4. The parties to this Memorandum recognise that being an elected member of the Staff Committee and participation in its activities, being a member of a Trade Union or Staff Association, or participating in Trade Union or Staff Association activities or the holding of office in a Staff Committee or a Trade Union or a Staff Association shall in no way adversely affect the member's professional position or career. Executive Agencies will provide the means in order to allow for an effective social dialogue.
5. The Executive Agencies undertake to hold at least two meetings yearly to discuss pertinent issues for the benefit of the staff of the Executive Agencies with the Trade Unions and Staff Associations. Each one of the Executive Agencies, on a rotational basis, shall chair and organise the meeting. Where necessary, additional meetings can be convened at the request of any of the two parties.

A representation of the Common Staff Committee and the Executive Agency Staff Committees shall be invited as observers to these meetings. Representatives of parent Directorates-General and/or of DG HR can also be invited to these meetings, should the items of the agenda so justify.

To the extent possible, the delegation of the Trade Unions and Staff Associations attending these meetings should include staff of the Executive Agencies.

The Executive Agency chairing the meeting, in consultation with the other Executive Agencies and the Trade Unions and Staff Associations, sets the agenda and, following the meeting, operational conclusions are circulated.

6. At the beginning of each year, the Executives Agencies and the Trade Unions and Staff Associations shall mutually define an agenda for discussion for the benefit of the staff of the Executive Agencies. The Common Staff Committee and, until the rules of procedure of the Common Staff Committee are adopted, the Executive Agency Staff Committees

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should also be consulted. This agenda may change according to the Executive Agencies' work programme and current social issues at any given time.

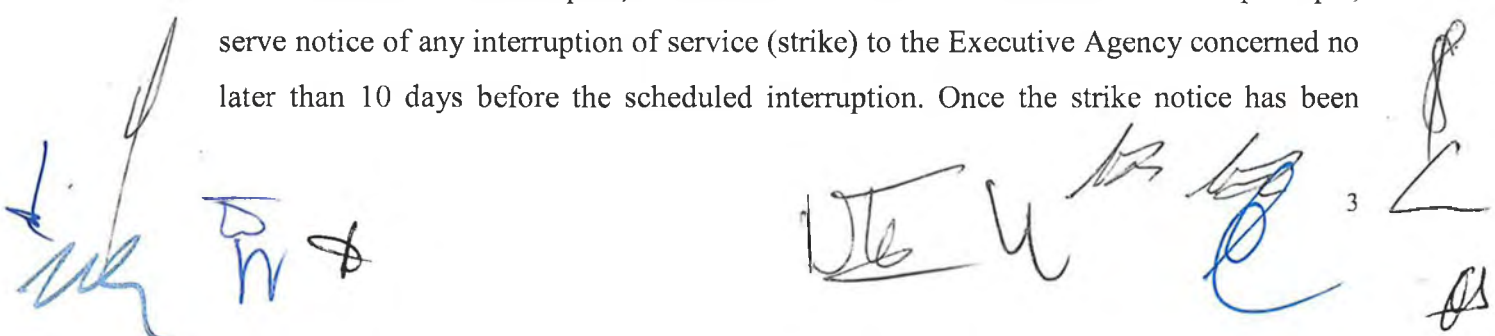
7. When there is a major disagreement and after all the normal procedures for consultations with the administration have been exhausted, the Common Staff Committee or, until the rules of procedure of the Common Staff Committee are adopted, any Executive Agency Staff Committee may ask Trade Unions and Staff Associations to request an urgent meeting with Executive Agencies in order to find a solution to the disagreement, for the benefit of the staff.
8. According to Article 110 of the Staff Regulations, implementing rules adopted by the Commission after negotiation with Trade Unions and Staff Associations apply by analogy to the Agencies, and the Commission shall inform the Agencies only after the adoption of any such implementing rule.

Under these conditions, the Trade Unions and Staff Associations intend to support the interests of the staff of Executive Agencies during the negotiations with the Commission on the implementing rules, which will also be applicable to them by analogy.

For this purpose, during the above negotiations with the Commission, Trade Unions and Staff Associations will include representatives of the Executive Agencies in their delegations for the negotiation of those rules with the Commission.

Trade Unions and Staff Associations will also invite representatives of the Common Staff Committee and Executive Agency Staff Committees to attend these negotiations.

9. Without prejudice of the rights and statutes of the Common Staff Committee and the Executive Agency Staff Committees, Executive Agencies will inform Trade Unions and Staff Associations of any request submitted according to Article 110 paragraph 2 of the Staff Regulations to the Commission for its agreement concerning (i) implementing rules which are different from those adopted by the Commission, or (ii) for the non-application of certain of those implementing rules, or (iii) for implementing rules which concern subjects other than the implementing rules adopted by the Commission.
10. In the event of a labour dispute, the Trade Union and Staff Association shall in principle, serve notice of any interruption of service (strike) to the Executive Agency concerned no later than 10 days before the scheduled interruption. Once the strike notice has been



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served on the Executive Agency concerned, the requisition of staff shall be drawn jointly and the restricted list of staff required to remain at their posts shall be communicated to all staff.

11. The Executive Agencies recognise the freedom of action for staff choosing to strike. Staff choosing to strike shall be free to do so without let or hindrance. They shall not be paid for those days on strike.
12. The parties to this Memorandum undertake to review the implementation of this Memorandum within a maximum of two years after its entry into force. During this time, the parties to this Memorandum shall endeavour to reach an agreed Framework Agreement to regulate this interaction under Article 10c of the Staff Regulations.
13. The Trade Unions and Staff Associations will develop their activities to ensure their full representativeness in each Agency.
14. This Memorandum cannot prevent in any case the rights for the Executive Agencies staff to create their own Trade Unions or Staff Associations.

SIGNATURES

For the Executive Agencies

- CHAFEA, Veronique Wasbauer, Director,
Signature:

- EACEA, Roberto Carlini, Director
Signature:

- EASME, Julien Guerrier, Director,
Signature:

- ERCEA, Waldemar Kütt, Acting Director,
Signature:

- INEA, Dirk Beekers, Director,
Signature:

- REA, Marc Tachelet, Director,
Signature:

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For the Trade Unions and Staff Associations:

- **ALLIANCE**, Cristiano SEBASTIANI, secretary general

Signature:

Done at Brussels, date:

Grouping the following Trade Unions

Renouveau et Démocratie (R&D), Cristiano SEBASTIANI

Signature:

Tao Afi, Raul TRUJILLO HERRERA

Signature:

Union Syndicale Luxembourg (USL), Miguel VICENTE NUNEZ

Signature:

Save Europe, Christophe STAS

Signature:

SFE, Alain HUBRECT

Signature:

- **GENERATION 2004**, Lukasz WARDYN chairperson

Signature:

Done at Brussels, date: 23.01.2020

- **Union Syndicale fédérale (USF)**, Nicolas MAVRAGANIS, chairperson

Signature:

Done at Brussels, date:

- **Rassemblement Syndical (RS)**, Georges VLANDAS Co- chairperson

Signature:

Done at Brussels, date:

- **FFPE** Stafakis STEFANIDIS chairperson

Signature:

Done at Brussels, date: 23 January 2020

Done at Brussels on 23 January 2020.