

# THE LINK - LE LIEN

BULLETIN U4U - APRIL 2019 N°70

SUMMARY

- ▶ **Evaluation / Promotion 2018: an improvement report, overall positive, but which is suffering from the career structure adopted in 2004**  
U4U evaluates how the 2018 promotion procedure works
- ▶ **The Report on Pensions confirms the sustainability of the scheme**  
This interim report shows the significant budgetary savings created by the 2014 reform and confirms that new changes are neither useful nor desirable
- ▶ **Deafening echoes from DG ECHO: lack of dialogue and poor working conditions**  
DG ECHO's colleagues undergo their second reorganization in three years. They complained not to have not been consulted upstream on their assignment, to have had no choice and that the individual workload was miscalculated
- ▶ **Tax pensions? A new attack on the staff**  
Génération 2004 renews its attacks against our former colleagues and our future interests!
- ▶ **The external representation of the European Union and the way in which it is perceived can serve as a revealing mirror of its nature: observations about an incident that occurred at the end of 2018 in the USA**  
Analysis: By temporarily reducing the protocol order of the EU Delegation to the US, Mr. Trump allowed a reflection on its status and its role
- ▶ **CA, TA, PA at the end of their contract: EU unemployment benefit**  
A non-renewal of contract does not mean a resignation, the agent is therefore entitled to an unemployment benefit, if he fulfills the conditions
- ▶ **U4U supports citizens' debates on the European project : the example of the WeEuropeans Congress of 22 March 2018**  
Citizens from all over Europe have selected the 10 most consensual proposals constituting the Citizen Agenda presented to the European Parliament
- ▶ **Rules governing the participation of European officials in the European elections campaign of May 2019**  
These rules aim to protect both the official and the institution. They define how to exercise one's rights as a citizen while respecting one's duties, including the duty of discretion
- ▶ **Do not miss the exhibition "Rêves d'Asie", from March 28 to June 5**  
The Cercle d'Art CE presents the exhibition "Dreams of Asia" gathering twenty-four paintings of Evelyne Hania, at VM-18, 4th floor, from March 28 to June 5, 2019, from Monday to Thursday from 10:00 to 17:00 and Friday until 13:30

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## Evaluation / Promotion 2018: improving results, generally positive, but suffering from the career structure adopted in 2004

**The Joint Committee for Monitoring the Evaluation and Promotion Exercise has just completed its 2018 report, which contains a few recommendations for improvement. As a reminder, the current system has a three-fold objective:**

- ▶ to be less time-consuming than in the past, after the 2004 reform
- ▶ not to use the promotion exercise to exploit the evaluation exercise in order to enhance the value of the work done by staff and therefore allow them to be recognised for their work
- ▶ guarantee merit-based promotions for the best performers – based on a spirit of competition – without however sacrificing the promotions of all the other colleagues – the need for a spirit of solidarity among the working teams. This compromise results in the provision of collective guarantees that ensure the progression of staff careers

### Let's look at the different stages and facts:

- ▶ from January to March, the evaluation reports are drawn up with an appeal procedure if required. Appeals at this stage represent 0.5% of the staff concerned (101 cases), far fewer than in the past
- ▶ the possibilities for promotion are drawn up in April: taking account of the number of staff eligible for promotion (at least two years' seniority), the DG HR supplies quotas for promotions to the different DGs
- ▶ the Directorates-General also prepare their promotion lists in April
- ▶ the Directors-General prepare their promotion proposals within their DGs and discuss the pertinence of these proposals with staff representatives who give their recommendations, which are often acted on
- ▶ once the DGs' promotion proposals have been decided, we move on to an appeal stage: all of the appeals are examined by joint working groups, which often reach a consensus. Their recommendations are transmitted to the AD and AST promotion committees
- ▶ There are a total of 119 "DG-monitored" cases which are, in principle, priorities for promotion the following year, although this should not be taken as an absolute guarantee for the next promotion exercise
- ▶ the promotion committees draw up their final lists, examined before any final decision by the Appointing Authority
- ▶ this decision can be the subject of an article 90 claim, or even legal action

In 2018, there were 4,666 quotas for promotions, of which 256 (5%) were allocated to the joint working groups that examine the appeals and thus constitute a corrective mechanism for the system. To these must be added 372 promotions that originate from the top-down "cascades", i.e. promotion quotas in a grade not used by the services. There were also, apart from the quotas, 45 exceptional requests to obtain faster promotions in certain cases or to deal with a lack of quotas in the smaller services. Only 21 exceptional requests were accepted.

It should also be noted that 10% of colleagues (slightly up on 2017) appeal because they were not put forward for promotion. Most of them have a seniority at least one year below the average seniority for their grade.

The various steps described above allow staff representatives to play an important corrective role in defending the expectations of some of the staff and the smooth running of the system. U4U is very involved in this work. More than 30 colleagues and contact persons from our organization participate in the working meetings and committees involved in this exercise.

It is important to note that the DG HR responded favourably to the trade unions' demands on the subject of quotas. The facts are as follows: the quotas for the promotions are based on the rates in annex 1B applied to the population in post and on the allocation key for the total quotas between the DGs, which is done on the basis of the eligible population (i.e. with two years' seniority) on promotion per grade. However, some services have promotion quotas that apply to a population whose average seniority is greater than that of some other services. Some DGs, therefore, can propose promotions that are faster on average than others. The DG HR agrees, subject to certain conditions, to allocate a few more quotas to the DGs whose eligible population has a greater average seniority without, however, reducing the allocation of the other DGs, due to the rounding up of the unused promotion quotas. In addition, the DG HR could perform a monitoring operation for the DGs with populations with more seniority in order to check that their disadvantage is not permanent.

All in all, the current evaluation/promotion system gives satisfactory results. It makes it possible to enhance the value of work done by colleagues, without the evaluation exercise being exploited by the promotion exercise, as has been the case in the past. The collective guarantees that provide a compromise between the logic of competition and that of solidarity are exceeded, as on average almost 90% of promotions take place within the average periods in the different grades. Finally, the budgetary resources provided for in annex 1B are being complied with. However, there is still room for improvement in the quality of some evaluation reports, particularly in AST.

This evaluation/promotion system suffers however because of the new careers grid decided in 2004. The relatively low salary level on entry into service, the multiplication of grades and the decreasing number of steps within this grid, make it necessary to increase the number of promotions to obtain an equivalent career advancement. Consequently, they cause tension within the services by fuelling the concerns of colleagues about their careers. This somewhat reduces the improvement obtained with the new system.

So we have a paradoxical phenomenon of a system which, while guaranteeing promotions within the average periods, sometimes heightens dissatisfaction and concerns, as demonstrated by the fact mentioned above, namely that the 2/3 of appeals on the basis of non-promotion are made by staff who have rather fast-track careers.

## Commission interim report on pensions: everything all right?

The interim report of the European Commission on the implementation of Annex XII to the Staff Regulations on the pension scheme for EU Staff aims to ensure that the parameters of the pension scheme guarantee the regime (Article 14, Annex XII and Article 83 of the Staff Regulations).

The first part of the report recalls the principles of the regime. We can note the Commission's reminder about the nature of our pension plan which is not a system based on repartition but on capitalization, funded by a notional accounting fund and social contributions:

“As the EU Staff Pension Scheme is designed as a notional fund, staff contributions are used to finance the future pensions of those who pay the contributions”

The Commission's report states that the actuarial balance of the pension scheme was assured between 2014 and 2018, by adjusting the contribution deducted from the remuneration of each staff member. The method in Annex XII ensures that the contribution to the pension scheme paid into the budget by staff covers one third of the funding of this scheme, as indicated in Article 1 (1) of Annex XII to the Staff Regulations.

Only employees' contributions are deducted and transferred to the EU budget without any specific allocation. The employer's contributions are not collected, in exchange for the promise of the payment of annual pensions by the Community budget. The report finds that the fiscal cost of pensions will continue to increase until 2040. From this date, it will decline.

The considerable savings in pensions that will result from the 2013 reform were confirmed in 2016 by a Eurostat study on the long-term budgetary implications of the cost of pensions. Member States have confirmed that this assessment is realistic and that the latest revision of the Staff Regulations will save 30% of the cost of pensions compared to the cost without reform; not to mention the significant budgetary savings also achieved thanks to the revision of the 2004 Staff Regulations.

In addition, the paper recalls the two major statutory changes of 2004 and 2014 with regard to the pension system and the adoption of transitional measures that apply to a large part of the existing staff. In this context, further amendments to the existing rules at this stage would further undermine the security and predictability of the working conditions and benefits provided for in the pension scheme. It is also likely that this would hamper the capacity of the institutions to cope with the significant geographical imbalances observed, particularly in the latest Commission report on this issue.

With regard to the budgetary impact of the scheme, the report notes that it has been taken into account in its proposal for a Council Regulation laying down the next multiannual financial framework. The Community executive has thus presented the expected expenditure for the period 2021-2027, based in particular on the annual growth of expenditure on the payment of pensions.

These conclusions seem to go in the right direction and allow the regime to continue until 2023, the date of the mid-term review of the financial framework.

## Deafening echoes from DG ECHO: lack of dialogue and poor working conditions.

DG ECHO's colleagues undergo their second reorganization in three years. Even if its validity is not questioned, they complained, at a meeting held in this DG, not to have not been consulted upstream on their assignment, to have had no choice and that the individual workload was miscalculated. A chambre d'écoute has been put in place, but in most cases the goal seems to have been to get acceptance on the decisions already made.

In addition, work in Building L-86 is handled by OIB in a problematic manner. This work began in September 2018 and should be completed by mid-April 2019, behind schedule (end of December 2018). These works are particularly noisy all day, not from 16hrs and on weekends, as originally planned.

In addition, the staff took note of the results of the satisfaction survey for DG ECHO. The presentation that DG ECHO made of it does not make it possible to compare its results with those of all the other DGs. At Management's initiative a new ECHO-HR-BC-STAFF-SURVEY functional box has been opened. It will be interesting to see how the management will take these results into consideration, knowing that those of the previous survey hardly seem to have been taken into account.

Moreover, with one exception, all offices of the hierarchy are located on the garden side and not on the street side of the rue de la Loi, particularly noisy, the disadvantages do not seem equally distributed.

A final point of concern for the colleagues is the internal relocations following the reorganization: the building currently occupied by DG ECHO does not allow to accommodate the additional staff for the RESCEU project. In this context, a directorate is forced to move and was offered a choice that was not really one: either agree to go to 'open space' to LOI 15, which seems to have been refused by another DG, or to occupy the 3rd and 4th floors of LOI 130 that DG AGRI does not wish to use because, it seems, odors of kitchen and exhaust fumes (garage) and many passages.

## Tax pensions? A new attack on the staff

**Génération 2004 calls for taxing pensions: this trade union organization renews the irresponsible remarks made during the election campaign in Brussels and attacks our former colleagues and our future interests!**

After asking, during the election campaign in Brussels, to attack our pensions, Generation 2004 by the pen of its current president, asks that the “solidarity” levy be applied to the current retirees and also to all those who will retire in the future.

It should be remembered that contrary to the remarks made by uninformed figures in Germany, civil servants pay a substantial income tax. Moreover, for decades, average and above-average wage incomes have been paying a special “solidarity” levy throughout their active careers. Pension contributions are deducted from the total salary of colleagues after all taxes, including “solidarity levy”.

Requesting the reintroduction of the additional levy for retirees amounts to charging twice the same tax, once during the working life and a second time during retirement. In fact, what Génération 2004 proposes is an overall decrease in all pensions. All staff will be affected by this measure, including today's when he is retired. To oppose the actives to the retirees is to introduce a detrimental and absurd division, without counting the danger of reopening the Statute. Contrary to what Generation 2004 suggests, this additional draw on retirees would not benefit active staff, Member States would simply pocket it.

We knew that the external enemies of the European civil service wanted to come back to the charge, after 2004 and 2014, to continue the demolition of the civil service and in particular the pension system. We see today that they have allies inside the institutions.

An official report from the Commission acknowledges that the last two reforms have greatly reduced the attractiveness of our European civil service.

The new fact is the existence of a professional association within our institutions, which works against the interests of public service employees. What do the staff think about it, who were misled by their comments whereas, since its creation, this organization has no positive results to present?

U4U reminds that our pension system in the EU is balanced, that the pension rights acquired by the staff of the European Institutions are a deferred salary that is due to the staff. This pension system is one of the attractiveness elements of the European civil service.

The rights acquired by the staff must not be questioned either for the people who have ended their career, for the persons in activity, or for the persons who will join our public service. Their existence is an asset for all present and future staff.

## The external representation of the EU

### The external representation of the European Union and how it is perceived can serve as a revealing mirror as to its nature: feedback on an incident in the USA at the end of 2018

As futile and technical as it might appear, the level of diplomatic recognition in non-member countries - level of accreditation and protocol ranking - can act as a barometer. The latest significant incident concerning this subject, at the end of 2018 in the USA,

successfully resolved in March 2019, is particularly indicative of the unravelling of multilateralism conducted by the Trump Administration, but can also serve anecdotally as the basis to engage in a little pedagogy and explain a few basic points in order to characterise our Union which, while it is not a traditional State, is not an international organisation either!

To return to the facts, unlike the practice established by President Obama in 2016, corresponding to that adopted virtually everywhere in the world since the Treaty of Lisbon, our Ambassador at the time, David O'Sullivan, was relegated to the lowest rank of Heads of Diplomatic Mission in the diplomatic list for the funeral of President George Bush senior on 5/12/2018 in Washington, although he should have been classified in the 20/30th rank. This was not necessarily covered in all the newspapers (Deutsche Welle publicly revealed the issue on 8/01/2019), but it certainly surprised and shocked informed observers, and caused a reaction from the European Parliament, as well as from US Members of Congress themselves, who were quite stirred about it in a letter. The matter was finally resolved quite discreetly through the US Ambassador to the EU, Gordon Sondland, in a statement in early March 2019 on the occasion of the appointment of the new Ambassador to the USA, Stavros Lambidinis, therefore without overtly losing face. Among the American diplomats, this was more a systematic calling into question of President Obama's decisions than a fundamental position statement; it would be a matter of dogmatism rather than a legal reinterpretation, in particular in view of the fact that this question of status is extremely sensitive, especially since the Treaty of Lisbon. A large majority of States, including the most influential, have accepted this situation: the Heads of Delegation are Ambassadors in their own right (and certainly more so than “simple” Delegates or Representatives). Beyond the background to which we will return, the form of this American episode is consequently at least deplorable, since no prior notification had been given of this change of paradigm.

The external representation of the European Union in non-member countries has indeed fundamentally changed in recent years: the Delegations have permanently taken on the rotating presidency role with responsibility for the coordination of both political and security matters and thus act on behalf of the European Union and all of its Institutions. The Delegations are no longer simply an offshoot of the European Commission, which in the past had deliberately adopted a more reserved attitude in regard to diplomatic positioning for fear of offending the Member States, but also with the problem of precedence that the rotating presidency imposed externally for all matters related to the CFSP. In addition, the Heads of Delegation, now Ambassadors of the European Union, although until now the title of Ambassador (quite simply) was accorded as a matter of courtesy, are accredited to Heads of State by the President of the Commission and of the Council. The Delegations represent all of the Member States - therefore including those that are not accredited/represented in a non-member country - for the competences delegated to them by the Treaties. This justified the equal treatment henceforth applied to European Union Ambassadors compared to national Ambassadors - including the official order and the equal treatment guaranteed by The Vienna Convention on Diplomatic Relations of 1961 for heads of mission (and consequently even the possibility of becoming a doyen of the diplomatic corps) - and also gave rise to adjustments in

the EU representation to the United Nations and the capacity to speak at the General Assembly (despite not formally being a member of the organisation). This is a significant quantitative leap forward; previously, the European Union found itself at the bottom of the diplomatic list, albeit in front of the international organisations.

The symbolism is all the more significant as it influences the perception of the EU and is essential for the legitimacy of the external representation of the European Union. From its roots as a co-operation agency and a foreign trade technician, the European Union has become a political actor in its own right, even though it shares this status with the Member States, who remain collectively the decision-makers by means of the current institutional mechanisms (with, depending on the subject, involvement from the European Parliament).

It is still difficult to explain exactly what the European Union is to European citizens; in view of the non-linear nature of the distribution of competences between Member States and Institutions, and it is even more difficult to explain it to non-citizens. The fact remains that the Union, while it is not formally a state in its own right, has attributes that an international organisation does not have, especially some of the institutions, including a democratically elected parliament, which produce directly applied internal law. Beyond the monetary union, most Member States also share a common currency, and foreign policy and security matters are increasingly shared (defence clause, PESCO, CSDP missions, etc.). Aside from the exclusive competences such as foreign trade, the Member States permanently delegate prerogatives to the EU that it assumes on their behalf, including by way of the rotating presidency as referred to above. This is expressed, for example, in the specific rights to participate in the work of the General Assembly of the United Nations.

The way in which the European Union is considered thus reflects the fact that it is, in a manner of speaking, a proto-federation, admittedly multiform, but certainly neither an international organisation nor a flexible association of states. This makes the questioning of the EU's status by the US administration, albeit only temporary, all the more serious.

## CA, TA, PA at the end of their contract: EU unemployment benefit

### Conditions for granting EU unemployment benefit

To be eligible to receive EU unemployment benefit, the temporary agent, contract agent or parliamentary assistant must satisfy the following conditions:

- ▶ having completed at least six months' service
- ▶ the end of service must not be the result of a resignation or termination of contract for disciplinary reasons
- ▶ not being the beneficiary of a retirement pension or disability allowance
- ▶ not having maintained one's social security contributions

to a national scheme during the period served in the EU Institution (art.112 of the RAA)

- ▶ being resident in a Member State of the European Union (irrespective of nationality)
- ▶ being unemployed and available on the labour market (a status that must be confirmed by the competent national authority)

### Non-renewal of contract and resignation

**A non-renewal does not mean a resignation** or termination, as the agent simply reaches the end of his contract.

A **resignation** offered by an official can only result from a written document by the person concerned indicating his/her unequivocal desire to permanently end all activity in the institution. The decision of the authority with the power of appointment making the resignation definitive must be made within one month of receiving the letter of resignation. However, the authority with the power of appointment can refuse the resignation if a disciplinary procedure against the official is in progress on the date the resignation letter is received or if such a procedure is started within the following thirty days.

The resignation takes effect on the date set by the authority with the power of appointment; this date must not be more than three months later than that suggested by the official in the letter of resignation for officials in the AD function group and more than one month for officials in the AST and AST/SC function groups.

## U4U supports citizens' debates on the European project : the example of the WeEuropeans Congress of 22 March 2018

U4U supports citizen debates on European integration: the example of the WeEuropeans Congress on 22 March 2019

On Friday 22 March, the WeEuropeans Congress took place at the European Parliament in Brussels, in order to announce the results of the largest transnational, citizen-led consultation ever organised in Europe, an initiative by the European association

CIVICO Europa and by Civic Tech Make.org.

Launched at the beginning of February in 27 member states and in 24 languages, the consultation involved more than 1.7 million participants, who voted 11.3 million times on the 30,000 proposals which emerged in response to the simple question "What are the concrete steps we can take to reinvent Europe?".

The 10 most popular proposals in each country were then translated and put to the vote of all Europeans. Out of the 270 proposals voted for nationally, the 10 most popular Europe-wide proposals form the basis of the Citizens' Agenda, which was presented at the Congress on the 22 March at the European Parliament. Citizens from across Europe were invited to discuss the proposals during the morning with civil society representatives,

then with representatives from European political forces in the afternoon.

The themes emerging from the proposals allow us to get an idea of the concerns of European citizens. The environment is the top concern of participants, with 4 of the top 10 proposals relating to this topic: recycling of raw materials and a circular economy model, a tree planting and renewable energy policy in urban environments, usage of chemical products in the food industry, etc. The citizens of the Union call for a more responsible Europe which takes firmer action to protect the environment and manage resources.

The other key themes are: European democracy (responsibility of elected members to set an example and not allowing those who have committed crimes to run for elected positions), fair taxation (taxation of multinational corporations), investment in education, research and health matters, and promotion of workers' rights.

All of these themes, environmental, social, fiscal and democratic, featured across the national consultation results, to varying degrees. Respondents in Italy, Poland and Hungary, for example, raised the issue of immigration and the fight against terrorism. However, these issues did not feature as predominantly as might have been expected: only 4% of the total number of proposals were related to the question of migration.

You can read in detail the 10 proposals that form the basis of the Citizen Agenda on the official WeEuropeans website.

The Congress gave us the opportunity to discuss citizen priorities for the future of Europe, and to debate the direction of the European project which is so important to all of us. However, in a broader sense, the operation aims to put citizens back at the heart of European democracy by making it more interactive, and by asking representatives from political forces to address the concerns of their citizens in a public European forum, to contemplate the future of Europe together. Our elected representatives have a duty to listen to their people, and to implement programmes and ideas that meet their expectations.

With that in mind, now that the results have been published, the reactions of the political parties from different States will be collected as part of the follow up of the WeEuropeans campaign, and their position statements will be published on the official WeEuropeans website. This will enable citizens to learn, with complete transparency, the political positions of the various political forces and how they relate to the concerns of citizens as expressed in the Citizens' Agenda, helping them to make the right decisions when it's time to vote.

On the 22nd of March, U4U was able to support our cause by helping organise our Congress. We are delighted to have the backing of a European Civil Service trade union.

At present, political, economic and social crises have hit several European countries, jeopardising the proper functioning of the EU, and even, as some fear, the sustainability of the entire Union. It is therefore high time that European civil society gets behind the development of the first major political project since the Second World War. It is up to the people to relaunch it, based on the founding values of peace, liberty, and democracy. They

must help define the Union's new methods of operation as well as its new objectives in order to address the needs and concerns of its citizens.

*Francesca Ratti*

## Rules governing the participation of European officials in the European elections campaign of May 2019

As with each European election, the Commission has taken a decision to monitor the participation of colleagues in the campaign preceding the vote and to set out the provisions of the Staff Regulations applicable to this area: articles 11, 11 bis, 12, 15, 17 and 17 bis of the Staff Regulations and arts. 11 and 81 RAA.

The Commission "does not prohibit the participation of its agents" in the European elections, but it does monitor this. At the European Parliament, on the other hand, the institution "encourages the participation of its agents".

Of course, this regulation could be considered rather nit-picking. It is also rather unclear about participation in citizens' debates, especially for the European trade unions.

Its objective is nevertheless to protect both the officials and the institutions. Let us see what the main provisions of these regulations are.

### First of all, the decision defines three basic principles:

- ▶ The officials concerned must make a clear distinction between their campaigning activities and their activities within the institution;
- ▶ They may not use the institution's resources for the campaign;
- ▶ They must preserve the duty of secrecy, especially concerning information that has come to them through their activities in the service of the Commission.

In the period preceding the official campaign and the nomination of candidates, the official must take part in activities related to the election outside of regular working hours. If such activities have to be completed during working hours, the official informs the DG HR, which decides, in the interests of the service, either to invite the official to take a period of personal leave for a maximum of three months or to permit the official to work on a part-time basis (release from service). These rules also apply to staff who are involved in the official campaign, without formally being candidates.

Those officials who are officially candidates in the elections must notify the DG HR accordingly, which then has three options: invite the official to take annual leave or personal leave (CCP) or allow him/her to work on a part-time basis. The solution can be a combination of these different measures. In general terms, the Appointing Authority will invite the official to take a period of personal leave, one month before the date of the vote.

The decision does not allow a member of staff to participate in campaigning activities in an official capacity; which stands to reason. Any participation in ex officio campaign meetings is subject to the express authorisation of the Commission.

If a candidate is elected as a member of the European Parliament, he or she must inform the DG HR. Officials must request a

period of personal leave, as the duties of an MEP are incompatible with an active position within the services of the European Commission.

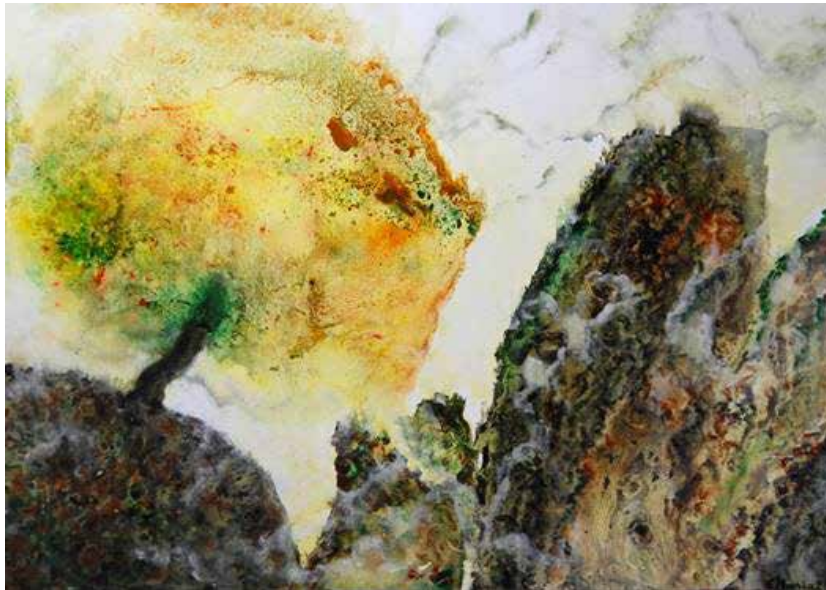
Finally, it should be noted that the Commission has also very closely monitored the participation of Commissioners in its elections, as well as the activity of members of their cabinet office.

## Rêves d'Asie

by Evelyne Hania of the Art Club of the European Commission

**ON FRIDAY 29 MARCH 2019 AT 13:00 HRS**

at the EC-Library, Rue Van Maerlant, 18 - 1040 Bruxelles (4th floor)



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