

Open letter to Mr. David Sassoli, President of the European Parliament

Brussels April 1st, 2020

Dear President,

We feel obliged to react to the decision taken by our Secretary General, Mr Klaus WELLE, on the 31.03.2020 and which comes into force today (GEDA (2020) 11843).

In the first instance and as a preliminary remark, a decision of this magnitude, with the financial and personal implications that it entails cannot be headed by an erroneous reference to the Rules of procedure of the European Parliament.

The Rule 234 (2) of the Rules of procedure of the European Parliament establishes that:

“2. The Secretary-General shall head a Secretariat the composition and organisation of which shall be determined by the Bureau”.

Therefore, this cannot be the legal basis. We understand, however, that the Secretary General may have intended to refer to Rule 234 (3) which establishes the following:

“3. The Bureau shall decide on the establishment plan of Parliament’s Secretariat and lay down regulations relating to the administrative and financial situation of officials and other servants.

The President of Parliament shall inform the appropriate institutions of the European Union accordingly.”

However, and assuming that it was a feathered error, that legal basis does not legitimise the decision taken for the following reasons:

- As established by settled case law, internal directives adopted by the institutions of the European Union may under no circumstances legally lay down rules which derogate from provisions which are hierarchically superior, such as the provisions of the Staff Regulations and the rules adopted for their implementation.

This is precisely what is implied by the decision taken yesterday (GEDA (2020) 843) and effective as of today according to which, Article 4 of annex VII of the staff regulations would no longer apply in certain cases and only for the staff of Parliament's secretariat.

- This decision is diametrically opposed to the principles of legality and legal certainty and clearly “ultra vires”.
- This decision involves clear unjustified and unmotivated discrimination between European civil servants depending on the institution or body or place of employment for which they work.
- This decision could lead to the transfer of some officials from their places of origin to their place of work in contravention of the safety recommendations established by the health authorities of some countries.

Furthermore, there does not seem to be any grounds, unless the rules on data protection are disregarded, on which the AIPN could apply such decision to individuals.

In conclusion, we respectfully request that you reverse the decision immediately.



Der Generalsekretär

GEDA (2020) 11843

DECISION OF THE SECRETARY GENERAL
ON TEMPORARY PART-TIME WORK AWAY FROM THE PLACE OF EMPLOYMENT
FOR FAMILY REASONS IN RESPONSE TO COVID-19

- Having regard to Rule 234(2) of the Rules of Procedure of the European Parliament:

Colleagues wishing to take more intensively care of direct relatives like parents, children or spouses for the duration of this special situation caused by COVID-19 are herewith authorised to work 75% part-time.

Contrary to customary practice, this part-time work can be done from within whatever Member State of the European Union in line with the established residence of those relatives and until the end of the transitional period on 31 December 2020 from the United Kingdom.

Please submit a formal request to your Resource Director as soon as possible prior to the requested starting date.

The request shall specify the name of the relative, family ties as well as the period requested.

For the period covered by the authorisation, the staff member shall be entitled to 75 % of his or her remuneration. Article 3 of Annex IVa to the Staff Regulations shall apply. The expatriation allowance or the foreign residence allowance according to Article 4 of the Annex VII to the Staff Regulations cannot be granted.

This decision applies to officials employed by the EP Secretariat.

This decision applies by analogy to officials who left their place of employment and are able to telework. In this case, the Appointing Authority may decide without a formal request.

As regards requests submitted in line with the Article 6(2) of the Internal rules on part-time working, the Appointing Authority reserves its right to refuse them.

The authorisation to work part-time is given for three months renewable.

This decision enters into force on 1 April 2020 and shall apply as long as the COVID-19 pandemic lasts. This decision replaces the decision of 19 March 2020.

Done at Luxembourg, on 31 March 2020



Klaus WELLE

Expéditeur: WELLE Klaus <klaus.welle@europarl.europa.eu>

Date: 11 mars 2020 à 10:42:17 UTC+1

Destinataire: Parlement Européen <DL-ParlementEuropeen@europarl.europa.eu>

Objet: NOTICE to STAFF: CORONAVIRUS - telework 70% / télétravail 70% / Telearbeit 70% (EN/FR/DE)

(FR & DE below)

11 March 2020

Dear Colleagues,

Today I have instructed all Directors General to introduce teleworking for all colleagues whose physical presence in Parliament is not absolutely indispensable.

The measure takes effect as of next Monday 16 March 2020.

At this stage it will be 70% teleworking. That means presence in the office will be limited to 1½ days a week.

Later on teleworking could be increased to 100% of working time dependent on the further developments.

The decision of the Directors General will be based on the updated teleworking plans of Monday 9 March and the needs analysis for any given week.

Your Director General will inform you in case you are concerned by this measure at this stage.

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Chers collègues,

Aujourd'hui j'ai demandé à tous les Directeurs généraux d'introduire le télétravail pour tous les collègues dont la présence physique au Parlement n'est pas absolument indispensable.

La mesure prendra effet le lundi 16 mars 2020.

À ce stade, il s'agira de 70% de télétravail. Cela signifie que la présence au bureau sera limitée à 1½ jours par semaine.

En fonction des développements futurs, le télétravail pourrait être porté à 100% du temps de travail.

La décision des Directeurs généraux sera basée sur les plans de télétravail mis à jour lundi 9 mars et sur l'analyse des besoins pour une semaine donnée.

Votre Directeur général vous informera si vous êtes concerné par cette mesure à ce stade.

* * *

Liebe Kolleginnen und Kollegen,

heute habe ich alle Generaldirektoren angewiesen Telearbeit für alle Kollegen einzuführen deren physische Präsenz im Parlament nicht zwingend erforderlich ist.

Die Maßnahme tritt am kommenden Montag 16. März 2020 in Kraft.

Zu diesem Zeitpunkt wird es 70% Telearbeit sein. Das bedeutet, dass die Präsenz im Büro auf 1½ Tage pro Woche begrenzt ist.

Später könnte die Telearbeit abhängig von den weiteren Entwicklungen auf 100% der Arbeitszeit erhöht werden.

Die Entscheidung der Generaldirektoren stützt auf die aktualisierten Telearbeitspläne vom Montag 9. März und die Bedarfsanalyse für die jeweilige Woche.

Ihr Generaldirektor wird Sie informieren, falls Sie zu diesem Zeitpunkt von dieser Maßnahme betroffen sind.

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Klaus Welle

Secretary-General of the European Parliament