



14 janvier 2013

Dr Fernando Sánchez Amillategui
Chair – Staff Association Generation 2004

Cher collègue, cher Fernando,

U4U est, depuis sa création, en faveur de l'unité d'action syndicale la plus large, à condition que celle-ci œuvre pour la défense de notre institution et de son personnel. Ainsi, parmi les actions prioritaires proposées aux autres OSP par U4U figurent la lutte contre les disparités – accrues suite à la mise en œuvre de la réforme de 2004 – et contre la précarité. Cette action syndicale mérite la plus grande clarté et la plus grande transparence et, idéalement, la plus grande cohésion entre OSP. Ceci, hélas, n'est pas toujours possible.

U4U n'a pas pour coutume de commenter les positions des autres syndicats. Si je déroge à cette règle de conduite, c'est parce que Génération 2004 (G-2004) a pris l'initiative d'écrire le 14 novembre dernier aux représentants permanents des 27 États membres une longue lettre concernant la réforme du statut, lettre portée à notre connaissance de manière fortuite au début de cette année.

La lettre de G-2004 dénonce les injustices engendrées par la réforme Kinnock et plaide pour que la réforme en cours de discussion puisse les corriger, du moins en partie. Un tel objectif, pour lequel se bat également U4U, requiert l'action de tous les syndicats.

Cependant, le contenu de votre lettre va à l'encontre de la concertation collective et contre les intérêts du personnel. Si la lettre de G-2004 concerne des questions qui nous préoccupent, elle comporte des éléments d'analyse et des propositions qui nous semblent erronés et contestables et dont je souhaiterais que nous débattions.

Le premier point porte sur les différences de traitement entre ante et post 2004 dont la présentation, sous forme de graphiques et de diagrammes, ne saurait masquer les erreurs d'analyse et de méthodologie. Vous opposez, de manière systématique, le personnel ante et post-2004, comme si le premier était responsable de l'accroissement des disparités et non les États membres, initiateurs de la réforme de 2004, et

subséquemment, l'administration de la Commission elle-même pour sa gestion de cette réforme.

Tout en passant sous silence les réductions subies par le personnel en place lors de la réforme de 2004, votre lettre s'en prend au principe des droits acquis, reconnu par la jurisprudence de la Cour, ce qui revient à "marquer contre son propre camp" puisque les collègues recrutés après 2004 bénéficieront de ce même principe à l'heure d'approuver la nouvelle réforme du statut, dans l'hypothèse probable où cette dernière réduirait encore les conditions statutaires d'emploi pour les post 2013...

Par ailleurs, à l'appui de ses thèses, Génération 2004 remet aussi en question le principe de confiance légitime du personnel, également reconnu par la jurisprudence.

Or ces deux principes sont ceux qui nous protègent des diktats des États membres. Sans eux, plus aucune sécurité juridique n'existe, y compris celle dont jouissent les post 2004. En d'autres termes, cette note ouvre maladroitement la porte à l'arbitraire absolu en matière de rémunérations, à un moment où de nombreux États se demandent comment faire des économies drastiques sur le dos de la Fonction publique européenne.

De manière insidieuse, le papier suggère de diminuer les salaires et les conditions d'emploi des fonctionnaires ante 2004 pour améliorer les conditions d'emploi des post-2004, non seulement au mépris des principes et des règles droit mais aussi comme si les rémunérations des ante 2004 étaient hors de portée des collègues post 2004, ce qui est selon nous inexact. Vous suggérez de réduire l'indemnité d'expatriation pour les plus gradés et d'augmenter encore leur prélèvement de solidarité, qu'ils payent déjà à plein taux. N'est-ce pas, dans le meilleur des cas, de la naïveté que de croire que les États membres vont conserver un avantage pour les uns et pas pour les autres ? De tels propos vont renforcer les États membres dans leur souhait de supprimer l'indemnité d'expatriation ... pour tous!

La partie du papier qui traite des pensions est également très dangereux car elle contredit la position de la Commission, qui a pour but de protéger le personnel. Pour la Commission, le système de fonds fictifs crée une dette et des obligations des États membres, par-delà l'existence des Communautés. Or le papier de ton organisation sous-entend que le système n'est pas pérenne et n'est pas soutenable, ce qui resterait à démontrer mais apporte des arguments aux États membres. Par ailleurs, une fois encore, la position est de dire: pourquoi devrions nous payer, en tant qu'actifs, pour des collègues qui ont un système de pension un peu plus avantageux. Cette position oublie un peu vite d'une part qu'un grand nombre d'actifs est ante 2004 et que la retraite touchée par chaque fonctionnaire est payée au prorata des droits accumulés au titre des contributions versées par la personne tout au long de sa vie active (y compris les droits préalablement ouverts dans les pays d'origine).

Pire, la note essaye de monter les États membres EUR 12 contre les États membres EUR 15, en arguant d'une discrimination concernant leurs ressortissants. La note va même jusqu'à suggérer que les nouveaux États membres ne devraient pas payer leur part des pensions des retraités, puisque ceux-ci sont en vaste majorité des fonctionnaires recrutés avant 2004, en occultant la nature même du système de retraite communautaire qui est un système de retraite par capitalisation!

Cette approche catégorielle, à nos yeux myope et partielle, est dangereuse. Elle nous monte les uns contre les autres, elle affaiblit considérablement la défense des intérêts du personnel en accentuant les divisions et fait le jeu des États membres qui ne cherchent qu'à fragiliser la Fonction publique européenne en multipliant les statuts, ce qui nous affaiblit collectivement. Elle attribue la responsabilité des disparités croissantes non pas aux États membres, mais au personnel qui a tenté, en luttant et par la grève, de s'opposer en son temps à la réforme de 2004.

Cette approche me paraît aussi contre-productive au moment où l'on demandera au personnel ante 2004 de participer, au détriment de leurs "garanties collectives de promotion", à l'effort de réduction des disparités mis en œuvre par des concours internes ayant pour but d'accélérer les carrières des collègues post 2004.

Génération 2004, avec cette lettre, marque, me semble-t-il, contre son camp et contre l'ensemble du personnel. Elle fait montre d'une grande imprudence car n'est-il pas plus efficace de couper dans les droits de ceux qui ont encore 25 voire 30 ans à prester que de ceux qui sont à deux doigts de partir ? Et n'est-ce pas précisément ce qu'entendent faire les États membres?

Au total, cette lettre, au lieu de défendre le rôle et les missions de la fonction publique européenne, d'expliquer pourquoi la conjoncture actuelle exige de la renforcer au lieu de la détruire, ne fait que donner des arguments à ceux qui ne rêvent que de démanteler la capacité d'agir de l'UE.

Fernando, je t'invite à travailler ensemble pour réfléchir à comment promouvoir une Fonction publique européenne unie, au service de l'intérêt général européen. Discutons de comment mettre en place tous les éléments revendicatifs qui permettraient de réunifier l'ensemble du personnel, y compris précaire, face aux attaques d'où qu'elles viennent, en redonnant des perspectives favorables aux juniors sans pour autant pénaliser les seniors.

Dans l'attente d'un débat d'idées, je compte sur toi,

Georges Vlandas

Letter addressed to Ambassadors

- H.E. Mr **Dirk Wouters** – Permanent Representation of the Kingdom of **Belgium** to the EU
- H.E. Mr **Dimitar Tzantchev** – Permanent Representation of the Republic of **Bulgaria** to the EU
- H.E. Mr **Martin Povejsil** – Permanent Representation of the **Czech Republic** to the EU
- H.E. Mr **Jeppe Tranholm-Mikkelsen** – Permanent Representation of the Kingdom of **Denmark** to the EU
- H.E. Mr **Peter Tempel** – Permanent Representation of the Federal Republic of **Germany** to the EU
- H.E. Mr **Matti Maasikas** – Permanent Representation of the Republic of **Estonia** to the EU
- H.E. Mr **Rory Montgomery** – Permanent Representation of the Republic of **Ireland** to the EU
- H.E. Mr **Théodoros N. Sotiropoulos** – Permanent Representation of the Republic of **Greece** to the EU
- H.E. Mr **Alfonso Dastis Quecedo** – Permanent Representation of the Kingdom of **Spain** to the EU
- H.E. Mr **Philippe Etienne** – Permanent Representation of the Republic of **France** to the EU
- H.E. Mr **Ferdinando Nelli Feroci** – Permanent Representation of the Republic of **Italy** to the EU
- H.E. Mr **Kornelios S. Korneliou** – Permanent Representation of the Republic of **Cyprus** to the EU
- H.E. Mrs **Ilze Juhansone** – Permanent Representation of the Republic of **Latvia** to the EU
- H.E. Mr **Raimundas Karoblis** – Permanent Representation of the Republic of **Lithuania** to the EU
- H.E. Mr **Christian Braun** – Permanent Representation of the Grand Duchy of **Luxembourg** to the EU
- H.E. Mr **Péter Györkös** – Permanent Representation of the Republic of **Hungary** to the EU
- H.E. Mrs **Marlene Bonnici** – Permanent Representation of the Republic of **Malta** to the EU
- H.E. Mr **Pieter de Gooijer** – Permanent Representation of the Kingdom of the **Netherlands** to the EU
- H.E. Mr **Walter Grahammer** – Permanent Representation of the Republic of **Austria** to the EU
- H.E. Mr **Marek Prawda** – Permanent Representation of the Republic of **Poland** to the EU
- H.E. Mr **Domingos Fezas Vital** – Permanent Representation of the Republic of **Portugal** to the EU
- H.E. Mr **Mihnea Ioan Motoc** – Permanent Representation of the Republic of **Romania** to the EU
- H.E. Mr **Rado Genorio** – Permanent Representation of the Republic of **Slovenia** to the EU
- H.E. Mr **Ivan Korcok** – Permanent Representation of the Republic of **Slovakia** to the EU
- H.E. Mr **Jan Store** – Permanent Representation of the Republic of **Finland** to the EU
- H.E. Mr **Dag Hartelius** – Permanent Representation of the Kingdom of **Sweden** to the EU
- H.E. Sir **Jonathan Stephen Cunliffe** CB – Permanent Representation of the **United Kingdom of Great Britain and Northern Ireland** to the EU
- H.E. Mr. Vladimir Drobnjak – Mission of the Republic of **Croatia** to the EU

Brussels, 14 November 2012

Re: 2013 Proposed Staff Regulation Reforms — COM(2011)0890

Dear Ambassador,

We are **Generation 2004**, a staff association of EU officials and contract agents working in various EU institutions, mainly constituted of staff appointed after 1st May 2004. We have formed in order to convey the viewpoints of post-2004 staff, which regrettably have not been taken into consideration either since the last reforms to the EU Staff Regulations in 2004, or in the current round of negotiations about Staff Regulation reform for 2013 onwards. Our widespread support is demonstrated by our receiving roughly 20% of the votes at recent elections for the Brussels local section of the European Commission staff committee. (Furthermore, as the proportion of post-2004 staff affected by these issues is by definition growing, the actual level of our support is likely to be higher than this). We are writing to you today to explain our position with regard to current proposals under consideration.

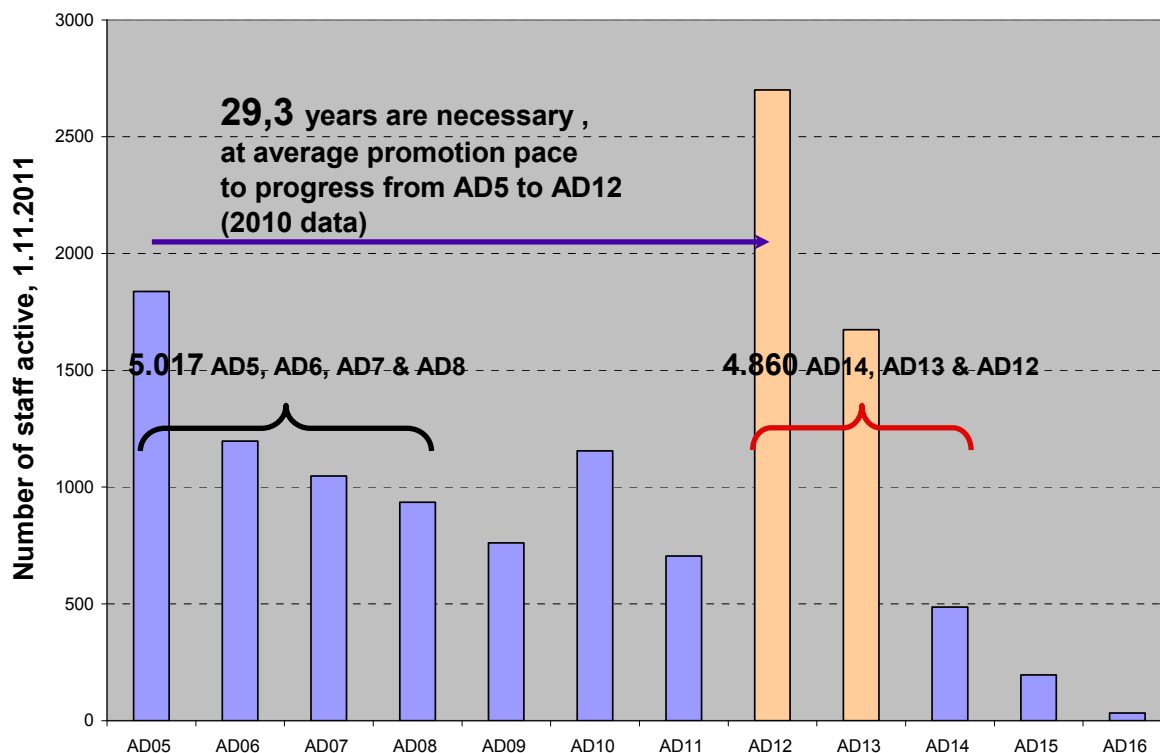
2004 Reform

To understand the context of current negotiations over Staff regulation reform, it is essential to remember that the Staff regulations have already undergone a major transformation in 2004. Among other changes, new inferior entry-level grades (AD5 & AD6) were introduced for Administrators, which resulted in distinctly worse conditions of employment for incoming officials in terms of recruitment grade, career opportunities, salaries and pensions. Both in the Administrator and Assistant branches of the career, many candidates with relevant professional experience were recruited at grades not corresponding to their qualifications. As a result, many post-2004 staff today find themselves working alongside pre-2004 colleagues, often of a similar age and experience, but at a far lower grade, sometimes working for half the salary, with

slimmer chances for promotion to management positions and virtually no possibility of catching up.

For example, pre-2004, on average promotion from the entry grade to middle-management grades for the AD (Administrator) function group took 6.7 years [1]. Post-2004, on average, it took 16 years – more than 9 years difference [2]. In the current round of negotiations about further reform, it is therefore crucial to note that there is, at present, not one homogenous group of EU officials, but two distinct categories of staff, with substantially different conditions of employment. In addition, contrary to the promise made at the time of the 2004 Reform to introduce a more meritocratic civil service, the majority of promotions since 2004 were in fact awarded to pre-2004 officials that already had higher grades, thereby increasing the divide among the two groups of officials and further entrenching the existing principle of promotion based on seniority instead of a competitive one based on promoting talent.

The consequences of 2004 reform can be seen clearly in the graph of grade distribution for the AD function group (Commission), with a clear 'bump' at the AD12/AD13 grade almost all made up of pre-2004 officials. This applies to the rest of the EU Civil Service, and it means that the major expense in terms of EU staff salaries arises not from entry-level conditions of employment, or indeed the employment conditions of EU staff in general, but from the costs associated with a large number of pre-2004 officials already promoted to high grades. As this graph clearly indicates, under the present system, it takes an extremely long time for an average post-2004 official to 'catch up' this difference in grading.



Similar problems affect the Assistant branch of the career (AST), where many qualified staff have to start from low grades without attractive professional prospects. While in the past many AST staff did not have a university degree, nowadays it is not infrequent at all to find AST staff in very junior grades with Master's degrees, excellent command of several languages and years of relevant experience. The proposed Staff regulation under consideration does not address this situation at all.

The third group of staff in the EU Civil Service working on distinctly disadvantageous terms are the “Contract Agents”, which were created by the 2004 Reform to cover temporary positions, i.e. those associated with projects limited in time, or for substituting officials on leave. In reality, the Institutions and Agencies are making widespread use of contract agents for staffing permanent positions, creating a continuous merry-go-round of staff, whose salaries and benefits are up to a third lower than those of permanent officials.

Proposed 2013 Reform

Contrary to the expectations of many employees who joined the EU administration in recent years, the proposed 2013 changes to the Staff Regulations do nothing to reverse the glaring inequality of treatment of pre- and post-2004 officials and employees, or correct the existing anomalies. Indeed, the views of the many staff that we represent once again have not been taken into account in any way in the changes proposed. While the Commission likes to highlight the savings achieved by the 2004 reform, it hardly ever mentions that virtually all savings since 2004 were achieved at the expense of post-2004 officials, whose salaries have been reduced by 20% or more (with an even greater % cut in their pensions), while those of pre-2004 staff were not reduced at all.

This is why post-2004 officials, who currently comprise about a third of the EU workforce, are particularly disappointed that current proposals for Staff regulations contain solely “horizontal” measures that will apply to all, ignoring the fact that a part of the staff has already contributed with a significant sacrifice, both career-wise and in economic terms. These measures will, if accepted, not only maintain huge differences in employment conditions between officials in lower and higher grades, which is socially unjust, but also further disadvantage a discriminated group of employees and reduce their motivation.

The 8 Member States Position Paper [3]

A group of eight mainly net-contributor Member States has recently circulated a request for further substantial cuts to the remuneration package for EU officials. In addition, this threat of further substantial cuts would seem to be confirmed by the “negotiating box” recently provided by the Cypriot Presidency. While we understand that need to make savings to the EU budget in these difficult economic times, we must highlight that current costs to the EU administrative budget are largely a legacy of a more generous pre-2004 remuneration package that is no longer on offer to new staff. It is therefore particularly astonishing that the 8 Member States also do not distinguish at all between pre- and post-2004 officials and their employment conditions.

Ironically, the proposals of the 8 Member States, if applied across the board to all officials and especially to incoming staff, are certain to make it even harder to attract the best people to work for the EU administration. This is especially true for future staff from these same net-contributor Member States who have more prosperous domestic employment markets. Post-2013 cuts are also very likely to exacerbate the under-representation of some of these 8 Member States among EU staff, because even at present, the entry-level conditions for the AD career are such that it rarely attractive for highly qualified professionals with several years' experience to move to Brussels or even less Luxembourg to pursue a career in the EU administration. With regard to the question of the overall correct level of remuneration of EU staff, we feel that Member States would benefit from making a detailed comparison of the package on offer to new (post-2004) staff with those officials who work in comparable conditions and under comparable requirements, such as staff of EU Member State's diplomatic services and of other international organizations.

Nevertheless, if the Council does embark on changes in the imprudent direction suggested in the Position Paper, we wish to stress the following.

Solidarity Levy / Expatriation Allowance

The 8 Member States propose major cost savings via increases to the Solidarity Levy, changing the calculation basis of the Solidarity Levy, and by cuts to the Expatriation Allowance.

We at **Generation 2004** cannot support such cuts; the amount to be saved is negligible, compared to the deep impact on the equilibrium of the EU Civil service. However, in any discussion of potential savings in this area, account must be taken of the fact that post-2004 officials have already contributed and continue to contribute to major savings due to the 2004 reform. Any changes in this area should therefore exempt more vulnerable lower-graded staff from cuts. This can be carried out in a variety of ways, such as through differentiated rates, transitional measures or simply by introducing flat sums in place of percentage-based calculations. In short, the remuneration package should in our view become more progressive rather than more regressive.

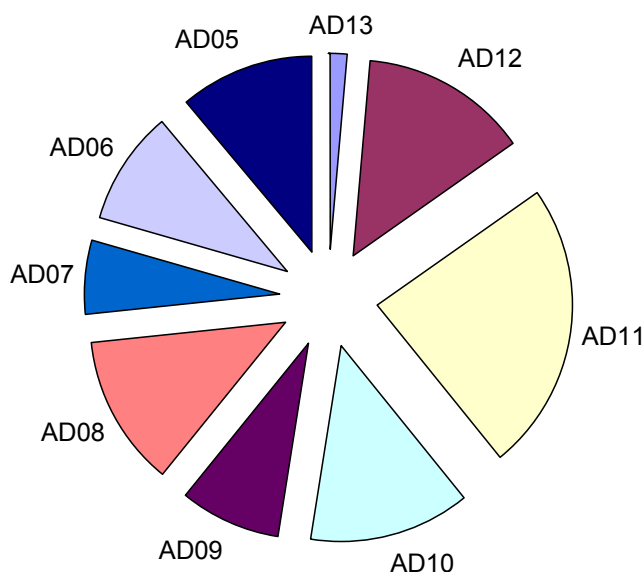
In relation to the Solidarity Levy, the exemption equivalent to the base salary of an AST1 official ought to be maintained, if not increased. The Expatriation Allowance in particular should be kept at the current rate, because most staff suffer the extra cost and hardship of living decades far away from their own countries, societies and extended families, but if changes are adopted, they ought to exempt more vulnerable lower-graded staff.

Promotion Rates and Caps on Career Progression

The 8 Member States propose slowing down promotion rates. However because in the AD function group most pre-2004 staff are already in higher grades, their status would not be significantly modified, so once again, the main victims of the measure would be post-2004 officials, who almost all occupy lower grades.

Such a measure would not only affect staff motivation and retention, it would also break the one key promise that was made at the time of the 2004 reforms when it was stated that although starting grades were lower, promotions would be quicker [4]. In a similar fashion, the cap suggested set at the AD11 grade, on the promotion of staff without management responsibility, would not affect the substantial proportion of pre-2004 AD staff who are already at AD12 or AD13 grades, but rather would only hurt post-2004 officials who joined at a young enough age to reach this point before retirement. Similar considerations affect the caps proposed for the AST career.

The chart below about promotions awarded to AD European Commission staff for 2005-2011 shows that during this period, more than half of the promotions were awarded to grades AD10-AD13. This once again demonstrates that slowing down promotion rates would only affect post-2004 staff because nearly all pre-2004 staff are already at high grades.



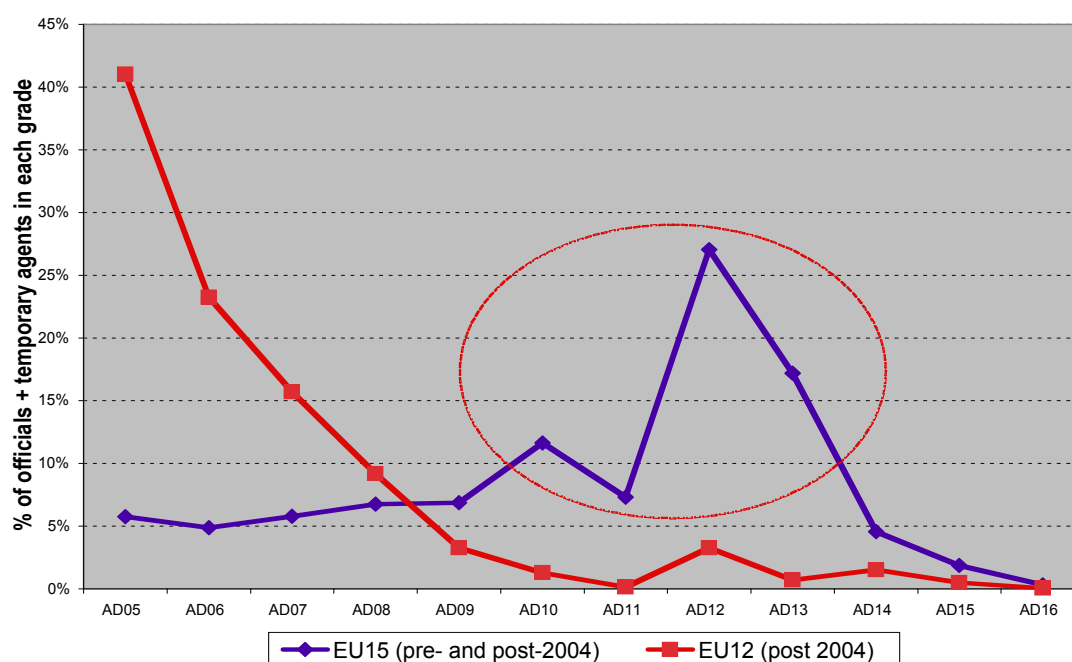
Pensions

The increasing annual cost mentioned in the 8MS paper is the result of the €37.7bn liability built up via an unfunded pension scheme, which was more generous in the past. It should not be paid for by current post-2004 staff whose lower salaries can ill-afford it. (Nor should it be paid for by less affluent EU-12 Member States, when the vast majority of the current pensioners were officials from the EU-15). Furthermore, the pension schemes for post-2004 staff are already markedly inferior to those of pre-2004 staff, for a number of reasons including a lower accrual rate, higher pension age and abolition of bonuses. If further cuts or changes really have to be made, account should be taken of the current large disparity in pension provision between pre and post 2004 staff, and the net subsidy that effectively already exists with post-2004 staff subsidising the more generous pre-2004 pension arrangements. We cannot support the 8MS proposal to apply the Solidarity Levy to pensions. However, if savings in this area have to be made, they must respect the principle of solidarity; otherwise in a near future the EU will be paying vastly different pensions to pensioners having had analogous careers and

responsibilities, contradicting the principles of social homogeneity and fairness which are at the basis of the European project.

EU12 situation & Croatia

Finally, we would also like to highlight that the 2004 reform has especially affected staff from the EU12 newer Member States. This graph highlights the current number of EU12 and EU15 officials in the AD function group:



It is clear that the bulk of EU15 officials are in the higher grades while the vast majority of EU12 officials are in lower grades. Can EU12 Member States accept that their nationals will continue to be disadvantaged, and that the proposed 2013 reforms do nothing to redress these imbalances? In particular, the fact that EU12 officials occupy lower grades than their EU-15 counterparts may mean that fewer of their nationals will reach grades to qualify them for management posts, potentially entailing a long-term underrepresentation of EU12 nationals in management roles. The proposed 2013 reforms will also further reduce the remuneration package and career prospects for future staff, such as those that will arrive soon from Croatia, whose nationals will thus not be “second grade” but “third grade” officials.

To deny the high price already paid by post-2004 staff is not acceptable. If austerity is needed, this austerity must be borne progressively by the whole European Civil Service, and not create any further division. On the contrary, austerity should be an opportunity for regaining the previous balance and solidarity. Overall, our intention is that this letter highlights some of the essential facts that we consider crucial for a serious discussion of any Staff regulation reform, and we hope that the Member States will give them serious consideration in their future discussions of this file. We would of course also be happy to provide further details and data on this matter. Therefore, do not hesitate to contact us to arrange a meeting to discuss the situation further.

Yours sincerely.

Dr Fernando Sánchez Amillategui

Chair – staff association **Generation 2004** *adf*

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(Addressed to the Permanent Representations of all 27 EU member states & Croatia).

Notes

- [1] Implied previous average pre-2004, to rise from lowest AD recruitment grade (A8) to AD10 (former A6) = $2.1+4.6=6.7$ years. [See: COM(2011) 171/2, Annex 4, Table A6]
- [2] Implied average career progression under current staff regulations for new staff, to rise from lowest AD recruitment grade (AD5) to AD10 (former A6) = $3+3+3+3+4=16$ years. [See: Staff regulations, Annex 1B. Multiplication rates for guiding average career equivalence]
- [3] 17 September 2012, Council Paper, 13820/12, “Contributions requesting calculations on savings in the context of the Staff Regulations Review”, from the Austrian, Danish, Dutch, Finnish, German, French, Swedish, and United-Kingdom delegations.
- [4] This would also be a further breach of the principle of equivalence between old and new career structures – Article 6.2, of existing Staff Regulations